



Ohio Revised Code

Section 2930.04 Information provided to victim by law enforcement agency.

Effective: April 6, 2023

Legislation: House Bill 343

(A) The supreme court shall create the victim's rights request form, which shall include the information specified in division (B) of this section or a similar form that, at a minimum, contains all the required information listed in division (B) of this section. The supreme court shall make the form available to all sheriffs, marshals, municipal corporation and township police departments, constables, and other law enforcement agencies, to all prosecuting attorneys, city directors of law, village solicitors, and other similar chief legal officers of municipal corporations, and to organizations that represent or provide services for victims of crime.

(B)(1) On its initial contact with a victim of a criminal offense or delinquent act, the law enforcement agency responsible for investigating the criminal offense or delinquent act promptly shall provide the victim with a victim's rights request form or a similar form that, at a minimum, contains the required information listed in this division and division (B)(2) of this section. The form shall do all of the following:

(a) Inform victims of rights that are automatically granted;

(b) Of the rights that are not automatically granted, allow the victim and victim's representative, if applicable, to select which rights the victim wishes to request;

(c) Inform victims that an election of rights made on the form can be changed at any time;

(d) Include a section for law enforcement to indicate that the victim did not make an election or was unable to complete the form at the time of first contact with law enforcement, if applicable, and is therefore considered to have requested all rights until the prosecutor contacts the victim pursuant to section 2930.06 of the Revised Code to provide another opportunity to request any right that is not automatically conferred by the Ohio Constitution;

(e) Inform the victim and victim's representative that failure to affirmatively request the rights that



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are not automatically granted is a waiver of those rights once contacted by the prosecutor, but that the victim or victim's representative may request those rights at a later date;

- (f) Provide a method for the victim to designate a victim's representative if the victim chooses;
- (g) Include a section where the victim or victim's representative shall indicate whether the victim was a victim against whom the criminal offense or delinquent act was committed or the victim was directly or proximately harmed by the commission of the criminal offense or delinquent act;
- (h) Include a section where the victim or victim's representative shall indicate that a law enforcement official or the prosecutor provided the form to the victim;
- (i) Include the address, telephone number, and electronic mail address, if available, for the victim and victim's representative, if applicable;
- (j) Include the contact information or address for the law enforcement official, incident report number, badge number of the law enforcement officer, case number, and arraignment date, time and location, if known;
- (k) Include signature lines for acknowledgment by the applicable law enforcement officer or agency, prosecutor, or custodial agent or agency, and victim and victim's representative;
- (l) Advise victims of the right to counsel and refer the victim to the attorney general information card and victim's rights handbook online or in print, including telephone and web site information for obtaining a copy if not provided by law enforcement officials;
- (m) Inform victims of the responsibility to keep contact information current with the applicable law enforcement official;
- (n) Provide a section for prosecutors to inform the custodial agency of the victim's and victim's representative's, if applicable, name and identifying information. The custodial agency shall notify the victim and victim's representative, if applicable, of the victim's post-conviction rights and provide post-conviction information;



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- (o) Contain a statement that the victim's identifying information on the form is not a public record under section 149.43 of the Revised Code.
- (2) As part of the victim's rights request form, the law enforcement official shall provide an informational page to the victim that includes information about the following:
 - (a) The fact that some rights are automatic and some rights are upon request;
 - (b) Appointing a victim representative;
 - (c) The importance of the arraignment process for victim's rights;
 - (d) The right to refuse interview, deposition and discovery requests from the defendant;
 - (e) The potential availability of protection orders;
 - (f) Victims' compensation and restitution, and the importance of preserving documentation during the criminal justice process for purposes of obtaining compensation or restitution;
 - (g) Privacy for victim addresses through the address confidentiality program established by section 111.42 of the Revised Code, including the web site address and contact telephone number for the program;
 - (h) Tracking incarcerated offenders through the victim information and notification everyday program, including the web site address to register for text message or electronic mail notices of offender release.
- (C)(1) On documents filed with the court, the victim's name and identifying information shall be filed separately on a page that is not a public record under section 149.43 of the Revised Code so that the identity of the victim or victims remains confidential. A completed or partially completed victim's rights request form is not a public record under section 149.43 of the Revised Code.



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(2) The prosecutor, the victim, and the victim's representative, if applicable, shall be provided a copy of the unredacted victim's rights form. The defendant, alleged delinquent child, or the attorney for the defendant or alleged delinquent child shall be permitted access to the victim's name and completed or partially completed victim's rights request form with the exception of the victim's and victim representative's address, phone number, electronic mail address, or other identifying information, unless directed by the court under division (B) of section 2930.07 of the Revised Code.

(D) At the time of its initial contact with a victim of a criminal offense or delinquent act, or as soon as practicable following the initial contact, the law enforcement agency responsible for investigating the criminal offense or delinquent act shall provide the victim, in writing, all of the following information:

(1) The victim's rights under this section and the victim's bill of rights under Ohio Constitution, Article I, Section 10a, including the right to exercise those rights through counsel;

(2) The availability of crisis intervention services, housing, and emergency and medical services, or contact information for statewide organizations that can direct victims to local resources;

(3) When applicable, the procedures and resources available for the protection of the victim, including protection orders issued by the courts;

(4) Information about public and private victim services programs, including, but not limited to, the crime victims compensation program and emergency shelter programs, or, if local information is not available, contact information for statewide organizations that can direct a victim to these types of resources;

(5) The police report number, if applicable, business telephone number of the law enforcement agency investigating the victim's case, and the office address and business telephone number of the prosecutor in the victim's case, when available.

(E) The law enforcement officer responsible for providing information under this section shall use reasonable efforts to identify the victim. At a minimum, this information should be disseminated to the individual or individuals identified in the police report as victims. If the law enforcement officer



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generates a report, the law enforcement agency shall collect and retain an executed copy of the victim's rights request form or a form that, at a minimum, contains the required information listed in division (B) of this section. If at the time of contact with a law enforcement agency the victim does not complete the form or request the victim's applicable rights, the law enforcement agency shall designate this on the form. The victim's refusal to request or waive the victim's applicable rights shall be considered an assertion of the victim's rights until the prosecutor contacts the victim within seven days of initiation of a criminal prosecution pursuant to section 2930.06 of the Revised Code to provide another opportunity to request any right that is not automatically conferred under the Ohio Constitution.

(F) If a suspect is arrested, the law enforcement agency shall submit an executed copy of the victim's rights request form to the custodial agency as soon as practicable once the law enforcement agency learns of the suspect's arrest.

(G) On the filing of charges or a complaint, the law enforcement agency shall submit an executed copy of that form to the prosecutor and to the court. The prosecutor shall review the victim's rights request form with the victim or victim's representative and obtain signatures from the victim and victim's representative, if applicable, if the form was not previously completed with law enforcement and shall file the form with the court within seven days after initiation of a criminal prosecution.

(H) If a suspect is cited and released, the law enforcement agency responsible for investigating the offense shall inform the victim and the victim's representative, if applicable, of the court date, if known, and how to obtain additional information from the clerk of the court about the arraignment or initial appearance.

(I) To the extent that the information required by this section is provided in the victim's rights request form created under this section and the pamphlet prepared pursuant to section 109.42 of the Revised Code or in the information card or other material prepared pursuant to section 2743.71 of the Revised Code, the law enforcement agency may fulfill that portion of its obligations under this section by giving that form, pamphlet, information card, or other material to the victim.

(J)(1) Once completed, the law enforcement agency shall provide the victim's rights request form with the information of the victim or victims to the prosecutor with the complaint and affidavit and



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provide it to the court at the time of criminal case filing.

(2) If the form containing the information of the victim or victims as described in division (B) of this section is not completed and sent to the prosecutor prior to the first interaction between the prosecutor and the victim or victims, then the prosecutor shall complete the form during the prosecutor's first interaction with the victim.

(3) A victim may elect not to receive the notifications described in division (B)(1) of this section, in which case the prosecutor shall document that refusal. Once the prosecutor has met with the victim, the prosecutor shall file the completed or updated victim's rights request form with the court.

(4) If a defendant is convicted and sentenced to the department of rehabilitation and correction or the department of youth services, the court shall ask the victim, if present, or the prosecutor if the victim wishes to update the victim's contact information and shall inform the victim that it is the victim's duty to notify the department of rehabilitation and correction or department of youth services of any change in address or contact information.

(K)(1) 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 opt out of notices and rights available pursuant to the Ohio Constitution, Chapter 2930. of the Revised Code, and other laws providing victims with rights for future offenses by giving a written notification form to the appropriate prosecutor or the prosecutor's designee.

(2) 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 receiving the notices and rights available. The form may also state that the person is only interested in the notices described in this section if restitution is at issue. It shall be signed by the person or another person with management authority over the business.