



Ohio Revised Code

Section 2930.19 Victim standing to assert rights or challenge denial of rights; right to appeal.

Effective: July 7, 2023

Legislation: Senate Bill 16

(A)(1) A victim, victim's representative, or victim's attorney, if applicable, or the prosecutor, on request of the victim, has standing as a matter of right to assert, or to challenge an order denying, the rights of the victim provided by law in any judicial or administrative proceeding. The trial court shall act promptly on a request to enforce, or on a challenge of an order denying, the rights of the victim. In any case, the trial court shall hear the matter within ten days of the assertion of the victim's rights. The reasons for any decision denying relief under this section shall be clearly stated on the record or in a judgment entry.

(2)(a) If the trial court denies the relief sought under division (A)(1) of this section, the trial court shall do all of the following:

(i) Provide the victim, the victim's representative, if applicable, the victim's attorney, if applicable, and the parties with notice of the decision and a copy of the judgment entry;

(ii) Provide the victim, the victim's representative, if applicable, and the victim's attorney, if applicable, with the following statement along with the judgment entry:

"NOTICE

The victim, the victim's attorney, if applicable, or the prosecutor on request of the victim, may appeal this decision or petition to the court of appeals for an extraordinary writ. If such an interlocutory appeal or extraordinary writ is sought while the case is still pending in the trial court, it shall be initiated no later than fourteen days after notice of the decision was provided to the victim by telephone or electronic mail to the latest telephone number or electronic mail address provided by the victim. The prosecutor or the prosecutor's designee shall provide the notice to the victim and the notice shall be memorialized in a manner sufficient to prove to the court the prosecutor or prosecutor's designee sent the notice. The court shall dismiss any such interlocutory appeal or



petition as untimely if it does not comply with this fourteen-day limit."

(b)(i) If the court denies the relief sought, the victim or the victim's attorney, if applicable, or the prosecutor on request of the victim, may appeal or, if the victim has no remedy on appeal, petition the court of appeals or supreme court for an extraordinary writ, and the victim has standing to assert a right of limited appeal as it pertains to the decisions impacting the rights of the victim. An interlocutory appeal filed under this section shall be filed not later than fourteen days after notice was provided to the victim as described in division (A)(1) of this section, and such an appeal divests the trial court of jurisdiction of the portion of the case implicating the victim's rights until the interlocutory appeal is resolved by the appellate court.

(ii) Upon the filing of an interlocutory appeal, the trial court shall transmit those portions of the transcript necessary for consideration of the issues to be reviewed by the court of appeals within five business days. Once the transcript is received by the court of appeals, the party that initiated the appeal shall have eight days to file a merit brief. Once the merit brief is filed, the appellee shall have eight days to file a response brief. The court of appeals shall decide the entire appeal not later than thirty-five days after the appeal is filed. Notwithstanding these limits, the litigants, with the approval of the court, may stipulate to a different period of time for the briefing and issuance of the decision and judgment on the appeal. The victim, the victim's attorney, the prosecutor, or the defendant may notify the supreme court if a court of appeals has failed to issue a judgment in accordance with the stipulated period of time. Such notifications are public records.

(iii) Nothing in this section shall be interpreted as applying to a direct appeal that is filed after the court sentences the defendant. A victim who wishes to appeal from an order that is final on its entry after the court sentences the defendant shall file the notice of appeal within thirty days of that entry.

(c) If the victim or victim's attorney, if applicable, petitions for an extraordinary writ, the court of appeals or the supreme court shall enter an order establishing an expedited schedule for the filing of an answer, the submission of evidence, the filing of briefing by the litigants, and the entry of decision and judgment and shall place the petition on its accelerated calendar. The court of appeals or the supreme court shall immediately notify the trial court of the petition, and the trial court shall transmit to the court of appeals or the supreme court those portions of the transcript necessary for the consideration of the issues to be reviewed by the applicable appellate court within five business days



of the filing of the appeal or petition. The court shall enter judgment within forty-five days after the petition for an extraordinary writ is filed. Notwithstanding these limits, the litigants, with the approval of the court, may stipulate to a different period of time for the briefing and issuance of the decision and judgment in the action. The victim, the victim's attorney, the prosecutor, or the defendant may notify the supreme court if a court of appeals has failed to issue a judgment in accordance with the stipulated period of time. Such notifications are a public record.

(d) If any interlocutory appeal is pursued to the supreme court, the supreme court shall enter an order establishing an expedited schedule for its proceedings, including, as applicable, the filing of jurisdictional memoranda and ruling thereon, the transmission of the record, the filing of briefing by the litigants, oral argument if permitted, and the entry of decision and judgment and shall place the appeal on its accelerated calendar. The court shall enter judgment within sixty days after the appeal is filed. The supreme court shall immediately notify the trial court of the appeal, and the trial court shall transmit to the court of appeals or the supreme court those portions of the transcript necessary for consideration of the issues to be reviewed by the applicable appellate court within five business days of the filing of the appeal. Notwithstanding these limits, the litigants, with the approval of the court, may stipulate to a different period of time for the supreme court's proceedings and for the issuance of the supreme court's decision and judgment in the case.

(e) Nothing in this division applies to a direct appeal that is filed by the victim after the court sentences the defendant. A victim who wishes to appeal from an appellate entry shall file the appropriate notice of appeal to the supreme court within thirty days of the entry.

(B)(1) A victim of a criminal offense or delinquent act has the right to be represented by an attorney. Nothing in this section creates a right to an attorney at public expense for a victim. If a victim is represented by an attorney, the court shall notify the victim's attorney in the same manner in which the parties are notified under applicable law or rule. The victim's attorney shall be included in all bench conferences, meetings in chambers, and sidebars with the trial court that directly involve a decision implicating that victim's rights as enumerated in Ohio Constitution, Article I, Section 10a. Nothing in this section shall be construed as making a victim a party to the case.

(2) A defendant has a right to respond and be represented by an attorney for appeals and writs the victim, the victim's attorney, if applicable, or the prosecutor may file pursuant to this section. An



indigent defendant has the right to appointed counsel for appeals and writs filed pursuant to this section. If, as an indigent person, a defendant is unable to employ counsel, the defendant is entitled to have counsel provided pursuant to Chapter 120. of the Revised Code. The court shall notify the defendant and the defendant's attorney in the same manner that the parties are notified under applicable law or rule.

(C) The failure of a public official or public agency or the public official's or public agency's designee to comply with the requirements of this chapter does not give rise to a claim for damages against that public official or public agency or that public official's or public agency's designee, except that a public agency as an employer may be held responsible for a violation of section 2930.18 of the Revised Code.

(D) The failure of any person or entity to provide a right, privilege, or notice to a victim under this chapter does not constitute grounds for declaring a mistrial or new trial, for setting aside a conviction, sentence, adjudication, or disposition, or for granting postconviction release to a defendant or alleged juvenile offender.

(E) If there is a conflict between a provision in this chapter and a specific statute governing the procedure in a case involving a capital offense, the specific statute supersedes the provision in this chapter.

(F) A defendant or juvenile offender may not raise the failure to afford a right to a victim as error in any legal argument to provide an advantage to that defendant or juvenile offender in any motion, including a dispositive motion, motion for a mistrial, motion for new trial, or motion to have a conviction, sentence, or disposition set aside, in any petition for post-conviction relief, or in any assignment of error on appeal.

(G) If the victim of a criminal offense or delinquent act is incarcerated in a state or local correctional facility or is in the legal custody of the department of youth services, the victim's rights under this chapter may be modified by court order to prevent any security risk, hardship, or undue burden upon a public official or public agency with a duty under this chapter.

(H) As used in this section, "post-conviction release" means judicial release, early release, and



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parole, but does not mean relief pursuant to a federal petition in habeas corpus.