

As Introduced

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H. B. No. 375

Representatives Kilbane, Willamowski, Collier, Kearns, McGregor, Hollister,
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A B I L L

To amend sections 2930.16 and 2967.12 and to enact 1
section 5149.102 of the Revised Code to permit the 2
victim of an offense of violence, or the victim's 3
representative, to testify at a panel hearing of 4
the Parole Board regarding the parole of the 5
offender who committed the offense of violence. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2930.16 and 2967.12 be amended and 7
section 5149.102 of the Revised Code be enacted to read as 8
follows: 9

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 10
a case who has requested to receive notice under this section 11
shall be given notice of the incarceration of the defendant. If an 12
alleged juvenile offender is committed to the temporary custody of 13
a school, camp, institution, or other facility operated for the 14
care of delinquent children or to the legal custody of the 15
department of youth services, a victim in a case who has requested 16
to receive notice under this section shall be given notice of the 17
commitment. Promptly after sentence is imposed upon the defendant 18

or the commitment of the alleged juvenile offender is ordered, the 19
prosecutor in the case shall notify the victim of the date on 20
which the defendant will be released from confinement or the 21
prosecutor's reasonable estimate of that date or the date on which 22
the alleged juvenile offender will have served the minimum period 23
of commitment or the prosecutor's reasonable estimate of that 24
date. The prosecutor also shall notify the victim of the name of 25
the custodial agency of the defendant or alleged juvenile offender 26
and tell the victim how to contact that custodial agency. If the 27
custodial agency is the department of youth services, the 28
prosecutor shall notify the victim of the services provided by the 29
office of victims' services within the release authority of the 30
department pursuant to section 5139.55 of the Revised Code and the 31
victim's right pursuant to section 5139.56 of the Revised Code to 32
submit a written request to the release authority to be notified 33
of actions the release authority takes with respect to the alleged 34
juvenile offender. The victim shall keep the custodial agency 35
informed of the victim's current address and telephone number. 36

(B)(1) Upon the victim's request, the prosecutor promptly 37
shall notify the victim of any hearing for judicial release of the 38
defendant pursuant to section 2929.20 of the Revised Code or of 39
any hearing for judicial release or early release of the alleged 40
juvenile offender pursuant to section 2151.38 of the Revised Code 41
and of the victim's right to make a statement under those 42
sections. The court shall notify the victim of its ruling in each 43
of those hearings and on each of those applications. 44

(2) Upon the request of a victim of a crime that is a 45
sexually violent offense and that is committed by a sexually 46
violent predator who is sentenced to a prison term pursuant to 47
division (A)(3) of section 2971.03 of the Revised Code, the 48
prosecutor promptly shall notify the victim of any hearing to be 49
conducted pursuant to section 2971.05 of the Revised Code to 50

determine whether to modify the requirement that the offender 51
serve the entire prison term in a state correctional facility in 52
accordance with division (C) of that section, whether to continue, 53
revise, or revoke any existing modification of that requirement, 54
or whether to terminate the prison term in accordance with 55
division (D) of that section. The court shall notify the victim of 56
any order issued at the conclusion of the hearing. As used in this 57
division, "sexually violent offense" and "sexually violent 58
predator" have the same meanings as in section 2971.01 of the 59
Revised Code. 60

(C) Upon the victim's request made at any time before the 61
particular notice would be due, the custodial agency of a 62
defendant or alleged juvenile offender shall give the victim any 63
of the following notices that is applicable: 64

(1) At least three weeks before the adult parole authority 65
recommends a pardon or commutation of sentence for the defendant 66
or at least three weeks prior to a hearing before the adult parole 67
authority regarding a grant of parole to the defendant, notice of 68
the victim's right to submit a statement regarding the impact of 69
the defendant's release in accordance with section 2967.12 of the 70
Revised Code ~~and, notice~~, if applicable, of the victim's right to 71
appear at a full board hearing of the parole board to give 72
testimony as authorized by section 5149.101 of the Revised Code, 73
and notice, if applicable, of the victim's right to appear at a 74
panel hearing of the parole board to give testimony as authorized 75
by section 5149.102 of the Revised Code; 76

(2) At least three weeks before the defendant is transferred 77
to transitional control under section 2967.26 of the Revised Code, 78
notice of the pendency of the transfer and of the victim's right 79
under that section to submit a statement regarding the impact of 80
the transfer; 81

(3) At least thirty days before the release authority of the 82

department of youth services holds a release review, release 83
hearing, or discharge review for the alleged juvenile offender, 84
notice of the pendency of the review or hearing, of the victim's 85
right to make an oral or written statement regarding the impact of 86
the crime upon the victim or regarding the possible release or 87
discharge, and, if the notice pertains to a hearing, of the 88
victim's right to attend and make statements or comments at the 89
hearing as authorized by section 5139.56 of the Revised Code; 90

(4) Prompt notice of the defendant's or alleged juvenile 91
offender's escape from a facility of the custodial agency in which 92
the defendant was incarcerated or in which the alleged juvenile 93
offender was placed after commitment, of the defendant's or 94
alleged juvenile offender's absence without leave from a mental 95
health or mental retardation and developmental disabilities 96
facility or from other custody, and of the capture of the 97
defendant or alleged juvenile offender after an escape or absence; 98

(5) Notice of the defendant's or alleged juvenile offender's 99
death while in confinement or custody; 100

(6) Notice of the defendant's or alleged juvenile offender's 101
release from confinement or custody and the terms and conditions 102
of the release. 103

Sec. 2967.12. (A) Except as provided in division (G) of this 104
section, at least three weeks before the adult parole authority 105
recommends any pardon or commutation of sentence, or grants any 106
parole, the authority shall send a notice of the pendency of the 107
pardon, commutation, or parole, setting forth the name of the 108
person on whose behalf it is made, the offense of which the person 109
was convicted, the time of conviction, and the term of the 110
person's sentence, to the prosecuting attorney and the judge of 111
the court of common pleas of the county in which the indictment 112
against the person was found. If there is more than one judge of 113

that court of common pleas, the authority shall send the notice to 114
the presiding judge. 115

(B) If a request for notification has been made pursuant to 116
section 2930.16 of the Revised Code, the adult parole authority 117
also shall give notice to the victim or the victim's 118
representative prior to recommending any pardon or commutation of 119
sentence for, or granting any parole to, the person. The authority 120
shall provide the notice at the same time as the notice required 121
by division (A) of this section and shall include in the notice 122
the information required to be set forth in that notice. The 123
notice also shall inform the victim or the victim's representative 124
that the victim or representative may send a written statement 125
relative to the victimization and the pending action to the adult 126
parole authority and that, if the authority receives any written 127
statement prior to recommending a pardon or commutation or 128
granting a parole for a person, the authority will consider the 129
statement before it recommends a pardon or commutation or grants a 130
parole. If the person is being considered for parole, the notice 131
shall inform the victim or the victim's representative that a full 132
board hearing of the parole board may be held and that the victim 133
or victim's representative may contact the office of victims' 134
services for further information. If the person is being 135
considered for parole and if the victim was the victim of an 136
offense of violence, the notice shall inform the victim or the 137
victim's representative that the victim or victim's representative 138
has the right to give testimony at a panel hearing of the parole 139
board and that the victim or victim's representative may contact 140
the office of victim's services for further information. 141

(C) When notice of the pendency of any pardon, commutation of 142
sentence, or parole has been given as provided in division (A) of 143
this section and a hearing on the pardon, commutation, or parole 144
is continued to a date certain, the authority shall give notice by 145

mail of the further consideration of the pardon, commutation, or 146
parole to the proper judge and prosecuting attorney at least ten 147
days before the further consideration. When notice of the pendency 148
of any pardon, commutation, or parole has been given as provided 149
in division (B) of this section and the hearing on it is continued 150
to a date certain, the authority shall give notice of the further 151
consideration to the victim or the victim's representative in 152
accordance with section 2930.03 of the Revised Code. 153

(D) In case of an application for the pardon or commutation 154
of sentence of a person sentenced to capital punishment, the 155
governor may modify the requirements of notification and 156
publication if there is not sufficient time for compliance with 157
the requirements before the date fixed for the execution of 158
sentence. 159

(E) If an offender is serving a prison term imposed under 160
division (A)(3) of section 2971.03 of the Revised Code and if the 161
parole board terminates its control over the offender's service of 162
that term pursuant to section 2971.04 of the Revised Code, the 163
parole board immediately shall provide written notice of its 164
termination of control or the transfer of control to the entities 165
and persons specified in section 2971.04 of the Revised Code. 166

(F) The failure of the adult parole authority to comply with 167
the notice provisions of division (A), (B), or (C) of this section 168
or the failure of the parole board to comply with the notice 169
provisions of division (E) of this section do not give any rights 170
or any grounds for appeal or post-conviction relief to the person 171
serving the sentence. 172

(G) Divisions (A), (B), and (C) of this section do not apply 173
to any release of a person that is of the type described in 174
division (B)(2)(b) of section 5120.031 of the Revised Code. 175

Sec. 5149.102. (A) As used in this section: 176

(1) "Panel hearing" means the consideration by members of the parole board of the proposed parole of a prisoner when that consideration is not a full board hearing of the parole board conducted pursuant to section 5149.101 of the Revised Code.

(2) "Victim's representative" means the victim's representative designated pursuant to section 2930.02 of the Revised Code.

(B) At a panel hearing that relates to the proposed parole of a prisoner who is serving a term of imprisonment for committing an offense of violence, the victim of the offense for which the prisoner is serving the sentence or the victim's representative may appear and give testimony or submit written statements.

(C) At the request of a person described in division (B) of this section, any representatives of the news media otherwise authorized to attend the hearing shall be excluded from the hearing while that person is giving testimony at the hearing.

Section 2. That existing sections 2930.16 and 2967.12 of the Revised Code are hereby repealed.