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**Am. Sub. H. B. No. 375**

**Representatives Kilbane, Willamowski, Collier, Kearns, McGregor, Hollister, C. Evans, Clancy, Strahorn, S. Smith, Widener, Key, Hartnett, Ujvagi, Fessler, Harwood, Setzer, Webster, Aslanides, Barrett, Book, Carano, Carmichael, Cates, Chandler, Daniels, DeGeeter, Distel, Domenick, Driehaus, Faber, Flowers, Gibbs, Gilb, Grendell, Hagan, Hoops, Hughes, Jerse, Koziura, Latta, Martin, Niehaus, Oelslager, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Redfern, Reidelbach, Schaffer, Schlichter, Schmidt, Schneider, Skindell, Slaby, G. Smith, D. Stewart, Taylor, Trakas, Walcher, Widowfield, Wolpert, Woodard, Young**

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**A B I L L**

To amend sections 2930.16, 2967.03, 2967.12, and 1  
5149.101 of the Revised Code to require the Parole 2  
Board, at the request of the victim of a specified 3  
offense or certain other persons, to hold a full 4  
board hearing and to permit the victim of such an 5  
offense, the victim's representative, and the 6  
victim's immediate family to testify at that 7  
hearing. 8

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

**Section 1.** That sections 2930.16, 2967.03, 2967.12, and 9  
5149.101 of the Revised Code be amended to read as follows: 10

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim in 11  
a case who has requested to receive notice under this section 12

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 in a case 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  
prosecutor in the case shall notify the victim of the date on  
which the defendant will be released 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 of the name of  
the custodial agency of the defendant or alleged juvenile offender  
and tell the victim how to contact that custodial agency. If the  
custodial agency is the department of rehabilitation and  
correction, the prosecutor shall notify the victim 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 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 shall keep the custodial agency informed of the victim's  
current address and telephone number.

(B)(1) Upon the victim's request, the prosecutor promptly  
shall notify the victim of any 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 45  
juvenile offender pursuant to section 2151.38 of the Revised Code 46  
and of the victim's right to make a statement under those 47  
sections. The court shall notify the victim of its ruling in each 48  
of those hearings and on each of those applications. 49

(2) Upon the request of a victim of a crime that is a 50  
sexually violent offense and that is committed by a sexually 51  
violent predator who is sentenced to a prison term pursuant to 52  
division (A)(3) of section 2971.03 of the Revised Code, the 53  
prosecutor promptly shall notify the victim of any hearing to be 54  
conducted pursuant to section 2971.05 of the Revised Code to 55  
determine whether to modify the requirement that the offender 56  
serve the entire prison term in a state correctional facility in 57  
accordance with division (C) of that section, whether to continue, 58  
revise, or revoke any existing modification of that requirement, 59  
or whether to terminate the prison term in accordance with 60  
division (D) of that section. The court shall notify the victim of 61  
any order issued at the conclusion of the hearing. As used in this 62  
division, "sexually violent offense" and "sexually violent 63  
predator" have the same meanings as in section 2971.01 of the 64  
Revised Code. 65

(C) Upon the victim's request made at any time before the 66  
particular notice would be due, the custodial agency of a 67  
defendant or alleged juvenile offender shall give the victim any 68  
of the following notices that is applicable: 69

(1) At least three weeks before the adult parole authority 70  
recommends a pardon or commutation of sentence for the defendant 71  
or at least three weeks prior to a hearing before the adult parole 72  
authority regarding a grant of parole to the defendant, notice of 73  
the victim's right to submit a statement regarding the impact of 74  
the defendant's release in accordance with section 2967.12 of the 75  
Revised Code and, if applicable, of the victim's right to appear 76

at a full board hearing of the parole board to give testimony as 77  
authorized by section 5149.101 of the Revised Code; 78

(2) At least three weeks before the defendant is transferred 79  
to transitional control under section 2967.26 of the Revised Code, 80  
notice of the pendency of the transfer and of the victim's right 81  
under that section to submit a statement regarding the impact of 82  
the transfer; 83

(3) At least thirty days before the release authority of the 84  
department of youth services holds a release review, release 85  
hearing, or discharge review for the alleged juvenile offender, 86  
notice of the pendency of the review or hearing, of the victim's 87  
right to make an oral or written statement regarding the impact of 88  
the crime upon the victim or regarding the possible release or 89  
discharge, and, if the notice pertains to a hearing, of the 90  
victim's right to attend and make statements or comments at the 91  
hearing as authorized by section 5139.56 of the Revised Code; 92

(4) Prompt notice of the defendant's or alleged juvenile 93  
offender's escape from a facility of the custodial agency in which 94  
the defendant was incarcerated or in which the alleged juvenile 95  
offender was placed after commitment, of the defendant's or 96  
alleged juvenile offender's absence without leave from a mental 97  
health or mental retardation and developmental disabilities 98  
facility or from other custody, and of the capture of the 99  
defendant or alleged juvenile offender after an escape or absence; 100

(5) Notice of the defendant's or alleged juvenile offender's 101  
death while in confinement or custody; 102

(6) Notice of the defendant's or alleged juvenile offender's 103  
release from confinement or custody and the terms and conditions 104  
of the release. 105

**Sec. 2967.03.** The adult parole authority may exercise its 106

functions and duties in relation to the pardon, commutation of 107  
sentence, or reprieve of a convict upon direction of the governor 108  
or upon its own initiative. It may exercise its functions and 109  
duties in relation to the parole of a prisoner who is eligible for 110  
parole upon the initiative of the head of the institution in which 111  
the prisoner is confined or upon its own initiative. When a 112  
prisoner becomes eligible for parole, the head of the institution 113  
in which the prisoner is confined shall notify the authority in 114  
the manner prescribed by the authority. The authority may 115  
investigate and examine, or cause the investigation and 116  
examination of, prisoners confined in state correctional 117  
institutions concerning their conduct in the institutions, their 118  
mental and moral qualities and characteristics, their knowledge of 119  
a trade or profession, their former means of livelihood, their 120  
family relationships, and any other matters affecting their 121  
fitness to be at liberty without being a threat to society. 122

The authority may recommend to the governor the pardon, 123  
commutation of sentence, or reprieve of any convict or prisoner or 124  
grant a parole to any prisoner for whom parole is authorized, if 125  
in its judgment there is reasonable ground to believe that 126  
granting a pardon, commutation, or reprieve to the convict or 127  
paroling the prisoner would further the interests of justice and 128  
be consistent with the welfare and security of society. However, 129  
the authority shall not recommend a pardon or commutation of 130  
sentence of, or grant a parole to, any convict or prisoner until 131  
the authority has complied with the applicable notice requirements 132  
of sections 2930.16 and 2967.12 of the Revised Code and until it 133  
has considered any statement made by a victim or a victim's 134  
representative that is relevant to the convict's or prisoner's 135  
case and that was sent to the authority pursuant to section 136  
2930.17 of the Revised Code and any other statement made by a 137  
victim or a victim's representative that is relevant to the 138

convict's or prisoner's case and that was received by the 139  
authority after it provided notice of the pendency of the action 140  
under sections 2930.16 and 2967.12 of the Revised Code. If a 141  
victim ~~or~~, victim's representative, or the victim's spouse, 142  
parent, sibling, or child appears at a full board hearing of the 143  
parole board and gives testimony as authorized by section 5149.101 144  
of the Revised Code, the authority shall consider the testimony in 145  
determining whether to grant a parole. The trial judge and 146  
prosecuting attorney of the trial court in which a person was 147  
convicted shall furnish to the authority, at the request of the 148  
authority, a summarized statement of the facts proved at the trial 149  
and of all other facts having reference to the propriety of 150  
recommending a pardon or commutation, or granting a parole, 151  
together with a recommendation for or against a pardon, 152  
commutation, or parole, and the reasons for the recommendation. 153  
The trial judge of the court, and the prosecuting attorney in the 154  
trial, in which a prisoner was convicted may appear at a full 155  
board hearing of the parole board and give testimony in regard to 156  
the grant of a parole to the prisoner as authorized by section 157  
5149.101 of the Revised Code. All state and local officials shall 158  
furnish information to the authority, when so requested by it in 159  
the performance of its duties. 160

The adult parole authority shall exercise its functions and 161  
duties in relation to the release of prisoners who are serving a 162  
stated prison term in accordance with section 2967.28 of the 163  
Revised Code. 164

**Sec. 2967.12.** (A) Except as provided in division (G) of this 165  
section, at least three weeks before the adult parole authority 166  
recommends any pardon or commutation of sentence, or grants any 167  
parole, the authority shall send a notice of the pendency of the 168  
pardon, commutation, or parole, setting forth the name of the 169  
person on whose behalf it is made, the offense of which the person 170

was convicted, the time of conviction, and the term of the 171  
person's sentence, to the prosecuting attorney and the judge of 172  
the court of common pleas of the county in which the indictment 173  
against the person was found. If there is more than one judge of 174  
that court of common pleas, the authority shall send the notice to 175  
the presiding judge. 176

(B) If a request for notification has been made pursuant to 177  
section 2930.16 of the Revised Code, the adult parole authority 178  
also shall give notice to the victim or the victim's 179  
representative prior to recommending any pardon or commutation of 180  
sentence for, or granting any parole to, the person. The authority 181  
shall provide the notice at the same time as the notice required 182  
by division (A) of this section and shall include in the notice 183  
the information required to be set forth in that notice. The 184  
notice also shall inform the victim or the victim's representative 185  
that the victim or representative may send a written statement 186  
relative to the victimization and the pending action to the adult 187  
parole authority and that, if the authority receives any written 188  
statement prior to recommending a pardon or commutation or 189  
granting a parole for a person, the authority will consider the 190  
statement before it recommends a pardon or commutation or grants a 191  
parole. If the person is being considered for parole, the notice 192  
shall inform the victim or the victim's representative that a full 193  
board hearing of the parole board may be held and that the victim 194  
or victim's representative may contact the office of victims' 195  
services for further information. If the person being considered 196  
for parole was convicted of or pleaded guilty to violating section 197  
2903.01 or 2903.02 of the Revised Code, the notice shall inform 198  
the victim of that offense, the victim's representative, or a 199  
member of the victim's immediate family that the victim, the 200  
victim's representative, and the victim's immediate family have 201  
the right to give testimony at a full board hearing of the parole 202

board and that the victim or victim's representative may contact 203  
the office of victims' services for further information. As used 204  
in this division, "the victim's immediate family" means the 205  
mother, father, spouse, sibling, or child of the victim. 206

(C) When notice of the pendency of any pardon, commutation of 207  
sentence, or parole has been given as provided in division (A) of 208  
this section and a hearing on the pardon, commutation, or parole 209  
is continued to a date certain, the authority shall give notice by 210  
mail of the further consideration of the pardon, commutation, or 211  
parole to the proper judge and prosecuting attorney at least ten 212  
days before the further consideration. When notice of the pendency 213  
of any pardon, commutation, or parole has been given as provided 214  
in division (B) of this section and the hearing on it is continued 215  
to a date certain, the authority shall give notice of the further 216  
consideration to the victim or the victim's representative in 217  
accordance with section 2930.03 of the Revised Code. 218

(D) In case of an application for the pardon or commutation 219  
of sentence of a person sentenced to capital punishment, the 220  
governor may modify the requirements of notification and 221  
publication if there is not sufficient time for compliance with 222  
the requirements before the date fixed for the execution of 223  
sentence. 224

(E) If an offender is serving a prison term imposed under 225  
division (A)(3) of section 2971.03 of the Revised Code and if the 226  
parole board terminates its control over the offender's service of 227  
that term pursuant to section 2971.04 of the Revised Code, the 228  
parole board immediately shall provide written notice of its 229  
termination of control or the transfer of control to the entities 230  
and persons specified in section 2971.04 of the Revised Code. 231

(F) The failure of the adult parole authority to comply with 232  
the notice provisions of division (A), (B), or (C) of this section 233  
or the failure of the parole board to comply with the notice 234



provisions of division (E) of this section do not give any rights 235  
or any grounds for appeal or post-conviction relief to the person 236  
serving the sentence. 237

(G) Divisions (A), (B), and (C) of this section do not apply 238  
to any release of a person that is of the type described in 239  
division (B)(2)(b) of section 5120.031 of the Revised Code. 240

**Sec. 5149.101.** (A)(1) A board hearing officer, a board 241  
member, or the office of victims' services may petition the board 242  
for a full board hearing that relates to the proposed parole or 243  
re-parole of a prisoner. At a meeting of the board at which ~~at~~ 244  
~~least seven~~ a majority of board members are present, a the 245  
majority of those present shall determine whether a full board 246  
hearing shall be held. 247

(2) A victim of a violation of section 2903.01 or 2903.02 of 248  
the Revised Code, the victim's representative, or any person 249  
described in division (B)(5) of this section may request the board 250  
hold a full board hearing that relates to the proposed parole or 251  
re-parole of the person that committed the violation. If a victim, 252  
victim's representative, or other person requests a full board 253  
hearing pursuant to this division, the board shall hold a full 254  
board hearing. 255

(B) At a full board hearing that relates to the proposed 256  
parole or re-parole of a prisoner and that has been petitioned for 257  
in accordance with division (A) of this section, the parole board 258  
shall permit the following persons to appear and to give testimony 259  
or to submit written statements: 260

(1) The prosecuting attorney of the county in which the 261  
original indictment against the prisoner was found and members of 262  
any law enforcement agency that assisted in the prosecution of the 263  
original offense; 264

(2) The judge of the court of common pleas who imposed the original sentence of incarceration upon the prisoner, or the judge's successor;

(3) The victim of the original offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code;

(4) The victim of any behavior that resulted in parole being revoked;

(5) With respect to a full board hearing held pursuant to division (A)(2) of this section, all of the following:

(a) The spouse of the victim of the original offense;

(b) The parent or parents of the victim of the original offense;

(c) The sibling of the victim of the original offense;

(d) The child or children of the victim of the original offense.

(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (3) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.

At the request of a person described in division (B)(3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner.

If there is an objection at a full board hearing to a 295  
recommendation for the parole of a prisoner, the board may approve 296  
or disapprove the recommendation or defer its decision until a 297  
subsequent full board hearing. The board may permit interested 298  
persons other than those listed in this division and division (B) 299  
of this section to attend full board hearings pursuant to rules 300  
adopted by the adult parole authority. 301

(D) The adult parole authority shall adopt rules for the 302  
implementation of this section. The rules shall specify reasonable 303  
restrictions on the number of media representatives that may 304  
attend a hearing, based on considerations of space, and other 305  
procedures designed to accomplish an effective, orderly process 306  
for full board hearings. 307

**Section 2.** That existing sections 2930.16, 2967.03, 2967.12, 308  
and 5149.101 of the Revised Code are hereby repealed. 309