

As Reported by the House Juvenile and Family Law Committee

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Sub. H. B. No. 375

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A B I L L

To amend sections 2930.16, 2967.12, and 5149.101 of 1
the Revised Code to require the Parole Board, at 2
the request of the victim of a specified offense 3
or certain other persons, to hold a full board 4
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, 2967.12, and 5149.101 of 9
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 13
alleged juvenile offender is committed to the temporary custody of 14
a school, camp, institution, or other facility operated for the 15
care of delinquent children or to the legal custody of the 16
department of youth services, a victim in a case who has requested 17
to receive notice under this section shall be given notice of the 18

commitment. Promptly after sentence is imposed upon the defendant 19
or the commitment of the alleged juvenile offender is ordered, the 20
prosecutor in the case shall notify the victim of the date on 21
which the defendant will be released from confinement or the 22
prosecutor's reasonable estimate of that date or the date on which 23
the alleged juvenile offender will have served the minimum period 24
of commitment or the prosecutor's reasonable estimate of that 25
date. The prosecutor also shall notify the victim of the name of 26
the custodial agency of the defendant or alleged juvenile offender 27
and tell the victim how to contact that custodial agency. If the 28
custodial agency is the department of rehabilitation and 29
correction, the prosecutor shall notify the victim of the services 30
offered by the office of victims' services pursuant to section 31
5120.60 of the Revised Code. If the custodial agency is the 32
department of youth services, the prosecutor shall notify the 33
victim of the services provided by the office of victims' services 34
within the release authority of the department pursuant to section 35
5139.55 of the Revised Code and the victim's right pursuant to 36
section 5139.56 of the Revised Code to submit a written request to 37
the release authority to be notified of actions the release 38
authority takes with respect to the alleged juvenile offender. The 39
victim shall keep the custodial agency informed of the victim's 40
current address and telephone number. 41

(B)(1) Upon the victim's request, the prosecutor promptly 42
shall notify the victim of any hearing for judicial release of the 43
defendant pursuant to section 2929.20 of the Revised Code or of 44
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. 2967.12. (A) Except as provided in division (G) of this	106
section, at least three weeks before the adult parole authority	107
recommends any pardon or commutation of sentence, or grants any	108
parole, the authority shall send a notice of the pendency of the	109
pardon, commutation, or parole, setting forth the name of the	110
person on whose behalf it is made, the offense of which the person	111
was convicted, the time of conviction, and the term of the	112
person's sentence, to the prosecuting attorney and the judge of	113

the court of common pleas of the county in which the indictment 114
against the person was found. If there is more than one judge of 115
that court of common pleas, the authority shall send the notice to 116
the presiding judge. 117

(B) If a request for notification has been made pursuant to 118
section 2930.16 of the Revised Code, the adult parole authority 119
also shall give notice to the victim or the victim's 120
representative prior to recommending any pardon or commutation of 121
sentence for, or granting any parole to, the person. The authority 122
shall provide the notice at the same time as the notice required 123
by division (A) of this section and shall include in the notice 124
the information required to be set forth in that notice. The 125
notice also shall inform the victim or the victim's representative 126
that the victim or representative may send a written statement 127
relative to the victimization and the pending action to the adult 128
parole authority and that, if the authority receives any written 129
statement prior to recommending a pardon or commutation or 130
granting a parole for a person, the authority will consider the 131
statement before it recommends a pardon or commutation or grants a 132
parole. If the person is being considered for parole, the notice 133
shall inform the victim or the victim's representative that a full 134
board hearing of the parole board may be held and that the victim 135
or victim's representative may contact the office of victims' 136
services for further information. If the person being considered 137
for parole was convicted of or pleaded guilty to violating section 138
2903.01 or 2903.02 of the Revised Code, the notice shall inform 139
the victim of that offense, the victim's representative, or a 140
member of the victim's immediate family that the victim, the 141
victim's representative, and the victim's immediate family have 142
the right to give testimony at a full board hearing of the parole 143
board and that the victim or victim's representative may contact 144
the office of victims' services for further information. As used 145

in this division, "the victim's immediate family" means the 146
mother, father, spouse, sibling, or child of the victim. 147

(C) When notice of the pendency of any pardon, commutation of 148
sentence, or parole has been given as provided in division (A) of 149
this section and a hearing on the pardon, commutation, or parole 150
is continued to a date certain, the authority shall give notice by 151
mail of the further consideration of the pardon, commutation, or 152
parole to the proper judge and prosecuting attorney at least ten 153
days before the further consideration. When notice of the pendency 154
of any pardon, commutation, or parole has been given as provided 155
in division (B) of this section and the hearing on it is continued 156
to a date certain, the authority shall give notice of the further 157
consideration to the victim or the victim's representative in 158
accordance with section 2930.03 of the Revised Code. 159

(D) In case of an application for the pardon or commutation 160
of sentence of a person sentenced to capital punishment, the 161
governor may modify the requirements of notification and 162
publication if there is not sufficient time for compliance with 163
the requirements before the date fixed for the execution of 164
sentence. 165

(E) If an offender is serving a prison term imposed under 166
division (A)(3) of section 2971.03 of the Revised Code and if the 167
parole board terminates its control over the offender's service of 168
that term pursuant to section 2971.04 of the Revised Code, the 169
parole board immediately shall provide written notice of its 170
termination of control or the transfer of control to the entities 171
and persons specified in section 2971.04 of the Revised Code. 172

(F) The failure of the adult parole authority to comply with 173
the notice provisions of division (A), (B), or (C) of this section 174
or the failure of the parole board to comply with the notice 175
provisions of division (E) of this section do not give any rights 176
or any grounds for appeal or post-conviction relief to the person 177

serving the sentence. 178

(G) Divisions (A), (B), and (C) of this section do not apply 179
to any release of a person that is of the type described in 180
division (B)(2)(b) of section 5120.031 of the Revised Code. 181

Sec. 5149.101. (A)(1) A board hearing officer, a board 182
member, or the office of victims' services may petition the board 183
for a full board hearing that relates to the proposed parole or 184
re-parole of a prisoner. At a meeting of the board at which ~~at~~ 185
~~least seven~~ a majority of board members are present, ~~a~~ the 186
majority of those present shall determine whether a full board 187
hearing shall be held. 188

(2) A victim of a violation of section 2903.01 or 2903.02 of 189
the Revised Code, the victim's representative, or any person 190
described in division (B)(5) of this section may request the board 191
hold a full board hearing that relates to the proposed parole or 192
re-parole of the person that committed the violation. If a victim, 193
victim's representative, or other person requests a full board 194
hearing pursuant to this division, the board shall hold a full 195
board hearing. 196

(B) At a full board hearing that relates to the proposed 197
parole or re-parole of a prisoner and that has been petitioned for 198
in accordance with division (A) of this section, the parole board 199
shall permit the following persons to appear and to give testimony 200
or to submit written statements: 201

(1) The prosecuting attorney of the county in which the 202
original indictment against the prisoner was found and members of 203
any law enforcement agency that assisted in the prosecution of the 204
original offense; 205

(2) The judge of the court of common pleas who imposed the 206
original sentence of incarceration upon the prisoner, or the 207

judge's successor;	208
(3) The victim of the <u>original</u> offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code;	209 210 211
<u>(4) The victim of any behavior that resulted in parole being revoked;</u>	212 213
<u>(5) With respect to a full board hearing held pursuant to division (A)(2) of this section, all of the following:</u>	214 215
<u>(a) The spouse of the victim of the original offense;</u>	216
<u>(b) The parent or parents of the victim of the original offense;</u>	217 218
<u>(c) The sibling of the victim of the original offense;</u>	219
<u>(d) The child or children of the victim of the original offense.</u>	220 221
(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.	222 223 224 225 226 227 228
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.	229 230 231 232 233 234 235
If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve	236 237

or disapprove the recommendation or defer its decision until a 238
subsequent full board hearing. The board may permit interested 239
persons other than those listed in this division and division (B) 240
of this section to attend full board hearings pursuant to rules 241
adopted by the adult parole authority. 242

(D) The adult parole authority shall adopt rules for the 243
implementation of this section. The rules shall specify reasonable 244
restrictions on the number of media representatives that may 245
attend a hearing, based on considerations of space, and other 246
procedures designed to accomplish an effective, orderly process 247
for full board hearings. 248

Section 2. That existing sections 2930.16, 2967.12, and 249
5149.101 of the Revised Code are hereby repealed. 250