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**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
Senators Schuring, Zurz**

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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 and the prisoner's 7
counsel or another designated person to testify at 8
that hearing. 9

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

Section 1. That sections 2930.16, 2967.03, 2967.12, and 10
5149.101 of the Revised Code be amended to read as follows: 11

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 12
a case who has requested to receive notice under this section 13
shall be given notice of the incarceration of the defendant. If an 14
alleged juvenile offender is committed to the temporary custody of 15
a school, camp, institution, or other facility operated for the 16
care of delinquent children or to the legal custody of the 17
department of youth services, a victim in a case who has requested 18
to receive notice under this section shall be given notice of the 19
commitment. Promptly after sentence is imposed upon the defendant 20
or the commitment of the alleged juvenile offender is ordered, the 21
prosecutor in the case shall notify the victim of the date on 22
which the defendant will be released from confinement or the 23
prosecutor's reasonable estimate of that date or the date on which 24
the alleged juvenile offender will have served the minimum period 25
of commitment or the prosecutor's reasonable estimate of that 26
date. The prosecutor also shall notify the victim of the name of 27
the custodial agency of the defendant or alleged juvenile offender 28
and tell the victim how to contact that custodial agency. If the 29
custodial agency is the department of rehabilitation and 30
correction, the prosecutor shall notify the victim of the services 31
offered by the office of victims' services pursuant to section 32
5120.60 of the Revised Code. If the custodial agency is the 33
department of youth services, the prosecutor shall notify the 34
victim of the services provided by the office of victims' services 35
within the release authority of the department pursuant to section 36
5139.55 of the Revised Code and the victim's right pursuant to 37
section 5139.56 of the Revised Code to submit a written request to 38
the release authority to be notified of actions the release 39
authority takes with respect to the alleged juvenile offender. The 40
victim shall keep the custodial agency informed of the victim's 41
current address and telephone number. 42

(B)(1) Upon the victim's request, the prosecutor promptly 43

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
juvenile offender pursuant to section 2151.38 of the Revised Code
and of the victim's right to make a statement under those
sections. The court shall notify the victim of its ruling in each
of those hearings and on each of those applications.

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

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

(1) At least three weeks before the adult parole authority
recommends a pardon or commutation of sentence for the defendant
or at least three weeks prior to a hearing before the adult parole
authority regarding a grant of parole to the defendant, notice of
the victim's right to submit a statement regarding the impact of

the defendant's release in accordance with section 2967.12 of the
Revised Code and, if applicable, of the victim's right to appear
at a full board hearing of the parole board to give testimony as
authorized by section 5149.101 of the Revised Code;

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

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

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

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

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

Sec. 2967.03. The adult parole authority may exercise its 107
functions and duties in relation to the pardon, commutation of 108
sentence, or reprieve of a convict upon direction of the governor 109
or upon its own initiative. It may exercise its functions and 110
duties in relation to the parole of a prisoner who is eligible for 111
parole upon the initiative of the head of the institution in which 112
the prisoner is confined or upon its own initiative. When a 113
prisoner becomes eligible for parole, the head of the institution 114
in which the prisoner is confined shall notify the authority in 115
the manner prescribed by the authority. The authority may 116
investigate and examine, or cause the investigation and 117
examination of, prisoners confined in state correctional 118
institutions concerning their conduct in the institutions, their 119
mental and moral qualities and characteristics, their knowledge of 120
a trade or profession, their former means of livelihood, their 121
family relationships, and any other matters affecting their 122
fitness to be at liberty without being a threat to society. 123

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

victim or a victim's representative that is relevant to the
convict's or prisoner's case and that was received by the
authority after it provided notice of the pendency of the action
under sections 2930.16 and 2967.12 of the Revised Code. If a
victim ~~or~~, victim's representative, or the victim's spouse,
parent, sibling, or child appears at a full board hearing of the
parole board and gives testimony as authorized by section 5149.101
of the Revised Code, the authority shall consider the testimony in
determining whether to grant a parole. The trial judge and
prosecuting attorney of the trial court in which a person was
convicted shall furnish to the authority, at the request of the
authority, a summarized statement of the facts proved at the trial
and of all other facts having reference to the propriety of
recommending a pardon or commutation, or granting a parole,
together with a recommendation for or against a pardon,
commutation, or parole, and the reasons for the recommendation.
The trial judge ~~of the court, and~~ the prosecuting attorney ~~in the~~
~~trial, in which a prisoner was convicted, specified law~~
enforcement agency members, and a representative of the prisoner
may appear at a full board hearing of the parole board and give
testimony in regard to the grant of a parole to the prisoner as
authorized by section 5149.101 of the Revised Code. All state and
local officials shall furnish information to the authority, when
so requested by it in the performance of its duties.

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

Sec. 2967.12. (A) Except as provided in division (G) of this
section, at least three weeks before the adult parole authority
recommends any pardon or commutation of sentence, or grants any

parole, the authority shall send a notice of the pendency of the 170
pardon, commutation, or parole, setting forth the name of the 171
person on whose behalf it is made, the offense of which the person 172
was convicted, the time of conviction, and the term of the 173
person's sentence, to the prosecuting attorney and the judge of 174
the court of common pleas of the county in which the indictment 175
against the person was found. If there is more than one judge of 176
that court of common pleas, the authority shall send the notice to 177
the presiding judge. 178

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

victim's representative, and the victim's immediate family have 203
the right to give testimony at a full board hearing of the parole 204
board and that the victim or victim's representative may contact 205
the office of victims' services for further information. As used 206
in this division, "the victim's immediate family" means the 207
mother, father, spouse, sibling, or child of the victim. 208

(C) When notice of the pendency of any pardon, commutation of 209
sentence, or parole has been given as provided in division (A) of 210
this section and a hearing on the pardon, commutation, or parole 211
is continued to a date certain, the authority shall give notice by 212
mail of the further consideration of the pardon, commutation, or 213
parole to the proper judge and prosecuting attorney at least ten 214
days before the further consideration. When notice of the pendency 215
of any pardon, commutation, or parole has been given as provided 216
in division (B) of this section and the hearing on it is continued 217
to a date certain, the authority shall give notice of the further 218
consideration to the victim or the victim's representative in 219
accordance with section 2930.03 of the Revised Code. 220

(D) In case of an application for the pardon or commutation 221
of sentence of a person sentenced to capital punishment, the 222
governor may modify the requirements of notification and 223
publication if there is not sufficient time for compliance with 224
the requirements before the date fixed for the execution of 225
sentence. 226

(E) If an offender is serving a prison term imposed under 227
division (A)(3) of section 2971.03 of the Revised Code and if the 228
parole board terminates its control over the offender's service of 229
that term pursuant to section 2971.04 of the Revised Code, the 230
parole board immediately shall provide written notice of its 231
termination of control or the transfer of control to the entities 232
and persons specified in section 2971.04 of the Revised Code. 233

(F) The failure of the adult parole authority to comply with 234

the notice provisions of division (A), (B), or (C) of this section 235
or the failure of the parole board to comply with the notice 236
provisions of division (E) of this section do not give any rights 237
or any grounds for appeal or post-conviction relief to the person 238
serving the sentence. 239

(G) Divisions (A), (B), and (C) of this section do not apply 240
to any release of a person that is of the type described in 241
division (B)(2)(b) of section 5120.031 of the Revised Code. 242

Sec. 5149.101. (A)(1) A board hearing officer, a board 243
member, or the office of victims' services may petition the board 244
for a full board hearing that relates to the proposed parole or 245
re-parole of a prisoner. At a meeting of the board at which ~~at~~ 246
~~least seven~~ a majority of board members are present, a the 247
majority of those present shall determine whether a full board 248
hearing shall be held. 249

(2) A victim of a violation of section 2903.01 or 2903.02 of 250
the Revised Code, the victim's representative, or any person 251
described in division (B)(5) of this section may request the board 252
hold a full board hearing that relates to the proposed parole or 253
re-parole of the person that committed the violation. If a victim, 254
victim's representative, or other person requests a full board 255
hearing pursuant to this division, the board shall hold a full 256
board hearing. 257

(B) At a full board hearing that relates to the proposed 258
parole or re-parole of a prisoner and that has been petitioned for 259
or requested in accordance with division (A) of this section, the 260
parole board shall permit the following persons to appear and to 261
give testimony or to submit written statements: 262

(1) The prosecuting attorney of the county in which the 263
original indictment against the prisoner was found and members of 264

any law enforcement agency that assisted in the prosecution of the	265
<u>original</u> offense;	266
(2) The judge of the court of common pleas who imposed the	267
<u>original</u> sentence of incarceration upon the prisoner, or the	268
judge's successor;	269
(3) The victim of the <u>original</u> offense for which the prisoner	270
is serving the sentence or the victim's representative designated	271
pursuant to section 2930.02 of the Revised Code;	272
<u>(4) The victim of any behavior that resulted in parole being</u>	273
<u>revoked;</u>	274
<u>(5) With respect to a full board hearing held pursuant to</u>	275
<u>division (A)(2) of this section, all of the following:</u>	276
<u>(a) The spouse of the victim of the original offense;</u>	277
<u>(b) The parent or parents of the victim of the original</u>	278
<u>offense;</u>	279
<u>(c) The sibling of the victim of the original offense;</u>	280
<u>(d) The child or children of the victim of the original</u>	281
<u>offense.</u>	282
<u>(6) Counsel or some other person designated by the prisoner</u>	283
<u>as a representative, as described in division (C) of this section.</u>	284
(C) Except as otherwise provided in this division, a full	285
board hearing of the parole board is not subject to section 121.22	286
of the Revised Code. The persons who may attend a full board	287
hearing are the persons described in divisions (B)(1) to (3) (6) of	288
this section, and representatives of the press, radio and	289
television stations, and broadcasting networks who are members of	290
a generally recognized professional media organization.	291
At the request of a person described in division (B)(3) of	292
this section, representatives of the news media described in this	293
division shall be excluded from the hearing while that person is	294

giving testimony at the hearing. The prisoner being considered for 295
parole has no right to be present at the hearing, but may be 296
represented by counsel or some other person designated by the 297
prisoner. 298

If there is an objection at a full board hearing to a 299
recommendation for the parole of a prisoner, the board may approve 300
or disapprove the recommendation or defer its decision until a 301
subsequent full board hearing. The board may permit interested 302
persons other than those listed in this division and division (B) 303
of this section to attend full board hearings pursuant to rules 304
adopted by the adult parole authority. 305

(D) The adult parole authority shall adopt rules for the 306
implementation of this section. The rules shall specify reasonable 307
restrictions on the number of media representatives that may 308
attend a hearing, based on considerations of space, and other 309
procedures designed to accomplish an effective, orderly process 310
for full board hearings. 311

Section 2. That existing sections 2930.16, 2967.03, 2967.12, 312
and 5149.101 of the Revised Code are hereby repealed. 313