

# Know your Rights Handout

## As a Victim, You Can...

- ✘ Request to make an oral or written Impact Statement during a pre-sentence investigation  
Ohio Revised Code (ORC) 2930.13(B)
- ✘ File a written objection to any pre-trial diversion allowed by the prosecutor in your case  
O.R.C. 2935.36 (C)
- ✘ Request notification of registration and registration information, as well as any changes in that information if the defendant is convicted of a sex crime requiring registration  
O.R.C. 2950.10
- ✘ Notify the prosecutor or court if you wish to have a representative exercise all of your rights  
O.R.C. 2930.02(B)

## As a Victim, You Must...

- ✘ Give the court and other agencies your current contact information and keep it up-to-date throughout all proceedings O.R.C. 2930.06(D), O.R.C. 2930.16(A)
- ✘ Notify the prosecutor or court that even if wish to have a representative exercise all of your rights, you would still like to receive notices. O.R.C. 2930.02(B)
- ✘ Request to receive notification of any...O.R.C. 2930.06(C)
  - o delays in the case
  - o conviction or acquittal of the defendant
  - o dismissal of the complaint
  - o filing of an appeal
- ✘ Request notification incarceration and date of release of the defendant.  
O.R.C. 2930.16(A), O.R.C. 2930.12, O.R.C. 2930.15(A)
- ✘ Request notifications of the date, time, and location of any proceeding in your case  
O.R.C. 2930.06(C)

## Law Enforcement Must...

- ✘ Provide you with the following information in writing: O.R.C. 2930.04(A)(1)-(4)
  - o Your rights as a victim
  - o Services available to you such as counseling and temporary housing
  - o Any protection available to you like a Protective Order
- ✘ Provide you with contact information of the law enforcement officer(s) and prosecutor(s) assigned to investigate and prosecute your case O.R.C. 2930.04(B)(1)-(3)

- ✘ To provide you with information regarding: **O.R.C. 2930.05(1)-(5)**
  - o The arrest or detention of a suspect
  - o The name of the suspect
  - o Whether the suspect will be eligible for pre-trial release
- ✘ Inform you that you can contact law enforcement to inquire into the status of your case. **O.R.C. 2930.05(A)(5), O.R.C.2930.04(B)(3)**
- ✘ Provide you with information regarding reparations for victims and explain the information if you request it **O.R.C. 2743.71**
- ✘ Promptly return to you any property that was taken in the course of the investigation **2 O.R.C. 930.11(A)**
- ✘ In all domestic violence cases, the officer shall respond without undue delay, make a written report, and arrest the primary physical aggressor **O.R.C. 2935.032**

**The Prosecutor Must...**

- ✘ Treat your representative in the same capacity if the victim so chooses **O.R.C. 2930.02(B)**
- ✘ Take steps to prevent and stop threats against you , your representative, or your family including:
  - o file a motion to prevent disclosure of your identifying information if there are reasonable grounds for you
  - o to fear the offender will threaten or intimidate you, your family or your representative
  - o file a motion asking the court to reconsider conditions of bond or personal recognizance offered to an offender who threatens intimidation against you or your family **O.R.C. 2930.05(B), O.R.C. 2930.07(A)**
- ✘ Confer with you prior to any significant changes in the case **O.R.C. 2930.06(A)**
- ✘ Confer with you before the trial commences. **O.R.C. 2930.06(A)**
- ✘ Provide you **O.R.C. 2930.06(B)(1)-(8)**
  - o with the name of the defendant
  - o the name of the crime with which the defendant is charged
  - o the file number of the case
  - o a summary of victims rights
  - o notification of the right of the victim to be present during all proceedings in the case
  - o a summary of the procedural steps involved in the prosecution
  - o information as to what the victim should do if threatened

- o notification of the right of the victim to choose a representative to exercise their rights
- o notice that certain notifications will be provided only at the request of the victim
- o what notifications require a request of the victim
- o contact information of a person to contact for further information about the case
- ✘ Notify you of the date, time, and location of any proceedings in the case. **O.R.C. 2930.06(C)**
- ✘ Notify you of any substantial delay in the prosecution of the case **O.R.C. 2930.08**
- ✘ Notify the court of your objections regarding substantial delay in the prosecution of the case **O.R.C. 2930.08**
- ✘ Notify the victim of the result of the prosecution **O.R.C. 2930.12**
- ✘ If the defendant is convicted, to provide you with: the crime(s) the defendant was convicted of contact
  - o information of person who is to prepare pre-sentence disposition and victim impact reports notice that the victim may make a statement to be included in the victim impact statement or reinvestigation report and that copies of the statement will be made available to the defendant,
  - o notice of the time, date, and location of the sentencing hearing
  - o notice of the victim's right to make a statement prior to sentencing
  - o notice of any sentence or modification thereto imposed upon the defendant. **O.R.C. 2930.12(A)**
- ✘ To notify the victim of:
  - o any appeals in the case
  - o a summary of the appellate process
  - o the time, date, and location of the appellate proceedings
  - o the result of the appeal. **O.R.C. 2930.15(A)(1)-(4)**
- ✘ Notify you of the date the defendant will be released from incarceration **O.R.C. 2930.16(A)**
- ✘ Notify you of any hearings for judicial or early release **O.R.C. 2930.16(B)(1)**
- ✘ Provide you with information regarding reparations for victims and explain the information if so requested. **O.R.C. 2743.71**
- ✘ If the court schedules a hearing for judicial release, to notify you of the hearing **O.R.C. 2929.20**
- ✘ Notify the victim of the time, place and date of a hearing to modify or terminate suspension of the defendant's driver's license **O.R.C. 4510.54**
- ✘ Notify victim of the prosecutor's intent to permit the accused to enter a pre-trial diversion plan **O.R.C. 2935.36**

- ✘ Notify the victim of the prosecutor's decision to allow the offender to receive drug treatment in lieu of conviction **O.R.C. 2951.041**
- ✘ If the prosecutor decides to allow pretrial diversion, you shall be notified, and you can file written objections **O.R.C. 2935.36**

**The Court Must:**

- ✘ Inform you that you have the right to be present at any judicial proceeding at which the defendant is present, even if you are testifying, unless the court determines that your exclusion is necessary to protect the defendant's right to a fair trial **O.R.C. 2930.09**
- ✘ Recognize your representative in the same capacity as you, allow them to exercise all of your rights, and send them all notices **O.R.C. 2930.02(A), O.R.C. 2930.02(B)**
- ✘ Allow an individual to accompany you to court to provide support **O.R.C. 2930.09**
- ✘ Minimize contact between you and the defendant, and your families **O.R.C. 2930.10(A)**
- ✘ Consider your objections regarding delay in the prosecution of the case **O.R.C. 2930.08**
- ✘ Give notice of the dismissal of the complaint, if the court disposes of the case prior to prosecutorial involvement **O.R.C. 2930.12**
- ✘ Allow you to make a statement:
  - o before sentencing
  - o release
  - o parole
  - o commutation
  - o reprieve
  - o transfer to transitional control
  - o modification/termination of a suspended license
  - o during a hearing for judicial release which will be considered as a factor in decision-making **O.R.C. 2930.14, O.R.C. 2930.17, O.R.C. 2967.03, O.R.C. 2967.26, O.R.C. 4510.54, O.R.C. 2929.20.**
- ✘ Provide you with the following if after prosecution of the case, the court disposes of a case prior to prosecutor involvement: **O.R.C. 2930.06(B)(1)-(6)**
  - o A summary of your rights
  - o The name of the crime
  - o The name of the defendant
  - o The file number of the case
  - o Summary of the procedural steps involved
  - o Notice of your right as a victim to be present throughout the case
  - o Procedures you may follow if you feel threatened or intimidated

- o Contact information to receive further information on the case
- o Your right to have a representative exercise your rights
- o Notice that you must request certain notices
- o Information as to which notices require victim request.
- ✘ Provide you with the following, if the defendant is convicted: **O.R.C. 2930.12(A)-(E), O.R.C. 2930.12(F)**
  - o The crime(s) the defendant was convicted of
  - o Notice Regarding Impact Statements
  - o The date, time, and location of the sentencing or disposition proceeding,
  - o Any modification to that sentence or disposition.
- ✘ Notify you of any decisions regarding early release or judicial release **O.R.C. 2930.16(B)(1)**
- ✘ Prior to granting judicial release or early release, allow you to make a statement regarding the crime, the effects of the crime, and if you think the defendant should be released **O.R.C. 2930.17(A)(8)**
- ✘ Inform you if the accused is tested for AIDS and the results of that test **O.R.C. 2930.17**
- ✘ Notify you of the ruling, if the court schedules a hearing for judicial release **O.R.C. 2929.20**
- ✘ Weigh your need against the defendant's assertion of value, if the defendant request retention of the your property for the case **O.R.C. 2930.11**
- ✘ Keep the following information confidential: **O.R.C. 2947.051, O.R.C. 5120.60, O.R.C. 2951.03, Laws File 29 (Sub SBS)**
  - o Your request for notification of sex offender status
  - o Your contact with the Office of Victim Services
  - o Victim Impact statements, which are not public record

### **Handout by The Justice League of Ohio**

The Justice League of Ohio is a non-for-profit crime victims' rights legal clinic serving all of Ohio's 88 counties. They provide the following services: 1) Free legal assistance to crime victims, including direct representation in the criminal justice system to preserve and protect crime victims' rights; 2) Free victims rights training and technical assistance to law enforcement, prosecutors, courts, advocates, and hospital personnel; 3) Education to the community and legislature on crime victims rights.

Phone: (614) 848-8500 Fax: (614) 848-8501

Website: [www.TheJusticeLeagueOhio.org](http://www.TheJusticeLeagueOhio.org)

Email: [info@thejusticeleagueohio.org](mailto:info@thejusticeleagueohio.org)

