(123rd General Assembly)
(Amended Substitute Senate Bill Number 153)

AN ACT

To amend sections 109.92, 2743.09, 2743.121, 2743.191, 2743.51, 2743.52, 2743.53, 2743.54, 2743.55, 2743.56, 2743.58, 2743.59, 2743.60, 2743.61, 2743.62, 2743.63, 2743.64, 2743.65, 2743.66, 2743.68, 2743.69, 2743.71, 2743.72, and 2907.28, to enact new section 2743.67 and sections 2743.521, 2743.531, and 2743.711, and to repeal sections 2743.57 and 2743.67 of the Revised Code and to amend Sections 21 and 33 of Am. Sub. H.B. 283 of the 123rd General Assembly to transfer from the Court of Claims to the Attorney General as of July 1, 2000, the responsibility to make awards of reparations under the Crime Victims Reparations Law; to expand the benefits available under that law to also include reimbursement for crime scene cleanup and property destroyed by evidence collection; to eliminate the filing fee for an application requesting an award of reparations under that law; to make other changes in that law; and to make an appropriation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 109.92, 2743.09, 2743.121, 2743.191, 2743.51, 2743.52, 2743.53, 2743.54, 2743.55, 2743.56, 2743.58, 2743.59, 2743.60, 2743.61, 2743.62, 2743.63, 2743.64, 2743.65, 2743.66, 2743.68, 2743.69, 2743.71, 2743.72, and 2907.28 be amended and new section 2743.67 and sections 2743.521, 2743.531, and 2743.711 of the Revised Code be enacted to read as follows:

Sec. 109.92. (A) Appropriations may be made by the general assembly to the office of the attorney general for the purpose of providing state financial assistance to victim assistance programs that operate in the state.

~~The director of budget and management shall transfer amounts equal to such appropriations from the reparations fund established by section 2743.191 of the Revised Code to the fund or funds from which such appropriations are made.~~ All amounts so appropriated ~~and transferred~~ shall be used to provide financial assistance to victim assistance programs in accordance with section 109.91 of the Revised Code and this section. The program for the provision of such financial assistance shall be administered by the crime victims assistance office established pursuant to section 109.91 of the Revised Code.

(B) A victim assistance program may apply to the crime victims assistance office for state financial assistance out of funds appropriated to the office of the attorney general for that purpose by the general assembly. Each application for such financial assistance shall include all of the following information:

(1) Evidence that the program is incorporated in this state as a nonprofit corporation or is a program established by a unit of state or local government;

(2) The proposed budget of the program for the period during which the financial assistance is sought;

(3) A summary of services offered by the program;

(4) An estimate of the number of persons served by the program.

(C) Within thirty days of receipt of an application for financial assistance from a victim assistance program in accordance with division (B) of this section, the crime victims assistance office, based in part on the recommendations of the victim assistance advisory board made pursuant to section 109.91 of the Revised Code, shall notify the program in writing whether it is eligible for financial assistance and, if eligible, estimate the amount that will be made available to the program and the time when the financial assistance will be made available.

(D) Each victim assistance program that receives any financial assistance pursuant to this section shall use the financial assistance only to provide the services identified in its application for such assistance as being services it offered and to cover a reasonable cost of administration of the program. Each victim assistance program that receives any such financial assistance shall make a good faith effort to minimize its costs of administration.

Sec. 2743.09. The clerk of the court of claims shall do all of the following:

(A) Administer oaths and take and certify affidavits, depositions, and acknowledgments of powers of attorney and other instruments in writing;

(B) Prepare the dockets, enter and record the orders, judgments,

ns, awards, and proceedings of the court of claims and the court of claims commissioners, and issue writs and process;

(C) Maintain an office in Franklin county in rooms provided by the supreme court for that purpose;

(D) Keep an appearance docket of civil actions, claims for an award of reparations, and appeals from decisions of the court of claims commissioners. The clerk may refuse to accept for filing any pleading or paper that relates to a civil action in the court of claims and that is submitted for filing by a person who has been found to be a vexatious litigator under section 2323.52 of the Revised Code and who has failed to obtain leave to proceed under that section.

Upon the commencement of an action or claim, the clerk shall assign it a number. This number shall be placed on the first page, and every continuation page, of the appearance docket that concerns the particular action or claim. In addition this number and the names of the parties shall be placed on the case file, and every paper filed in the action or claim.

At the time the action is commenced the clerk shall enter in the appearance docket the names of the parties in full and the names of counsel and shall index the action alphabetically by the last name of each party. Thereafter, the clerk shall chronologically note in the appearance docket all process issued and returns, pleas, motions, papers filed in the action, orders, verdicts, and judgments. The notations shall be brief but shall show the date of filing, substance, and journal volume and page of each order, verdict, and judgment. An action is commenced for purposes of this division by the filing of a complaint, including a form complaint under section 2743.10 of the Revised Code or a petition for removal.

At the time ~~the claim~~ an appeal for an award of reparations is commenced, the clerk shall enter the full names of the claimant, the victim, and the attorneys in the appearance docket and shall index the claim alphabetically by the last name of the claimant and the victim. Thereafter, the clerk shall chronologically note in the appearance docket all process issued and returns, motions, papers filed in the claim, orders, decisions, and awards. The notations shall be brief but shall show the date of filing, substance, and journal volume and page of each order. ~~A claim for an award of reparations is commenced for the purposes of this division when the claim is filed with the clerk of the court of claims or when the clerk receives an application for an award of reparations from the clerk of a court of common pleas.~~

(E) Keep all original papers filed in an action or claim in a separate file folder and a journal in which all orders, verdicts, and judgments of the court

and commissioners shall be recorded;

(F) Charge and collect fees pursuant to section 2303.20 of the Revised Code, keep a cashbook in which the clerk shall enter the amounts received, make a report to the clerk of the supreme court each quarter of the fees received during the preceding quarter, and pay them monthly into the state treasury;

(G) Appoint stenographers, shorthand reporters, and other clerical personnel;

(H) Under the direction of the chief justice, establish procedures for hearing and determining ~~claims~~ appeals for an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code~~;~~

~~(I) Prescribe forms for applications for an award of reparations in accordance with section 2743.56 of the Revised Code;~~

~~(J) Establish rules for permitting indigent persons to file an application for an award of reparations without payment of a filing fee;~~

~~(K) Have the authority to enter reciprocity agreements with other states, districts, territories, or countries and their subdivisions for the benefit of residents of this state, except that the agreement shall not be contrary to or in expansion of any other provisions of this chapter~~.

Sec. 2743.121. (A) A ~~single commissioner and any~~ panel of court of claims commissioners shall render ~~their~~ its decisions as to claims for an award of reparations in writing and shall include separate findings of fact and any conclusions of law that are necessary. Orders as to claims for an award of reparations shall be entered on the journal, and the clerk shall certify on the order the date of journalization and shall send copies of the order and decision to the claimant, the attorney general, and ~~to~~ the prosecuting attorney of the county in which the criminally injurious conduct occurred.

(B) ~~The~~ A judge of the court of claims shall render ~~its~~ the judge's decisions as to appeals from decisions of a panel of court of claims commissioners in writing and shall include a separate finding for each issue contested upon appeal. Orders as to appeals shall be entered on the journal, and the clerk shall certify on the order the date of journalization and shall send copies of the order and decision to the claimant, the attorney general, and ~~to~~ the prosecuting attorney of the county in which the criminally injurious conduct occurred.

Sec. 2743.191. (A) There is hereby created in the state treasury the reparations fund, which shall be used only for the payment of awards of reparations that are granted by the ~~court of claims commissioners, the compensation of the court of claims commissioners, the compensation of~~

~~judges necessary to hear and determine appeals from the commissioners~~ attorney general, the compensation of any personnel needed by the ~~court of claims~~ attorney general to administer sections 2743.51 to 2743.72 of the Revised Code, the compensation of witnesses as provided in division (B) of section 2743.65 of the Revised Code, other administrative costs of hearing and determining claims for an award of reparations by the ~~court of claims commissioners and of hearing and determining appeals from the commissioners by the court of claims~~ attorney general, the costs of administering sections 2907.28 and 2969.01 to 2969.06 of the Revised Code, the costs of investigation and ~~recommendation~~ decision-making as certified by the attorney general, the provision of state financial assistance to victim assistance programs in accordance with sections 109.91 and 109.92 of the Revised Code, THE COSTS OF PAYING THE EXPENSES OF SEX OFFENSE-RELATED EXAMINATIONS AND ANTIBIOTICS PURSUANT TO SECTION 2907.28 OF THE REVISED CODE, the cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code, and, subject to division (D) of section 2743.71 of the Revised Code, the costs associated with the printing and providing of information cards or other printed materials to law enforcement agencies and prosecuting authorities and with publicizing the availability of awards of reparations pursuant to section 2743.71 of the Revised Code. All costs paid pursuant to section 2743.70 of the Revised Code, the ~~fifty-dollar~~ portions of license reinstatement fees mandated by division (L)(2)(b) of section 4511.191 of the Revised Code to be credited to the fund, the portions of the proceeds of the sale of a forfeited vehicle specified in division (D)(2) of section 4503.234 of the Revised Code, payments collected by the department of rehabilitation and correction from prisoners who voluntarily participate in an approved work and training program pursuant to division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and all moneys collected by the state pursuant to its right of subrogation provided in section 2743.72 of the Revised Code shall be deposited in the fund.

(B) In making an award of reparations, ~~a single commissioner or a panel of court of claims commissioners~~ the attorney general shall render the award against the state ~~and the director of budget and management as its agent for payment of the award~~. The award shall be accomplished only through the following procedure, ~~which~~ and the following procedure may be enforced by writ of mandamus directed to the appropriate official:

(1) The ~~clerk of the court of claims~~ attorney general shall ~~forward a certified copy of the order granting the award to the director for payment.~~

~~(2) Upon receipt of the certified copy of the order granting the award from the clerk of the court of claims pursuant to division (B)(1) of this section, the director shall~~ provide for payment of the claimant~~, an assignee of the claimant, or the claimant and the claimant's assignee~~ or providers in the amount of the award ~~set forth in the certified copy of the order~~.

~~If the award is to be paid in installments, the director shall provide for payment of the amount of the award that will fall due during the current appropriation period.~~

~~(3)~~(2) The expense shall be charged against all available unencumbered moneys in the fund.

~~(4)~~(3) If ~~the director determines that~~ sufficient unencumbered moneys do not exist in the fund, the ~~director~~ attorney general shall make application for payment of the award out of the emergency purposes account or any other appropriation for emergencies or contingencies, and payment out of this account or other appropriation shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests or requests for releases from the other appropriations.

~~(5)~~(4) If sufficient moneys do not exist in the account or any other appropriation for emergencies or contingencies to pay the award, the ~~director~~ attorney general shall request the general assembly to make an appropriation sufficient to pay the award, and no payment shall be made until the appropriation has been made. The ~~director~~ attorney general shall make this appropriation request during the current biennium and during each succeeding biennium until a sufficient appropriation is made. If, prior to the time that an appropriation is made by the general assembly pursuant to this division, the fund has sufficient unencumbered funds to pay the award or part of the award, the available funds shall be used to pay the award or part of the award, and the appropriation request shall be amended to request only sufficient funds to pay that part of the award that is unpaid.

(C) ~~No~~ The attorney general shall not make payment on a decision or order granting an award ~~shall be forwarded by the clerk of the court of claims to the director~~ until all appeals have been determined and all rights to appeal exhausted, except as otherwise provided in this section. If any party to a claim for an award of reparations appeals from only a portion of an award, and a remaining portion provides for the payment of money by the state, ~~a certified copy of the order, together with a copy of the notice of appeal, shall be forwarded to the director, and~~ that part of the award calling for the payment of money by the state and not a subject of the appeal shall be processed for payment as described in this section.

(D) The attorney general shall ~~submit to the clerk of the court of claims~~

prepare itemized bills for the costs of printing and distributing the pamphlet the attorney general prepares pursuant to section 109.42 of the Revised Code. The itemized bills shall set forth the name and address of the persons owed the amounts set forth in them. ~~Upon submission of the itemized bills, the clerk shall provide for their payment.~~

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the Revised Code:

(A) "Claimant" means both of the following categories of persons:

(1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:

(a) A victim who was one of the following at the time of the criminally injurious conduct:

(i) A resident of the United States;

(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country.

(b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section;

(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(1)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;

(d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section.

(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:

(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:

(i) Had a permanent place of employment in this state;

(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;

(iii) Was retired and receiving social security or any other retirement income;

(iv) Was sixty years of age or older;

(v) Was temporarily in another state for the purpose of receiving

medical treatment;

(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;

(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;

(viii) Was a full-time student at an academic institution, college, or university located in another state;

(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.

(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;

(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(2)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;

(d) A person who is authorized to act on behalf of any person who is described in division (A)(2)(a), (b), or (c) of this section.

(B) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable that the victim or claimant has received, or that is readily available to the victim or claimant, from any of the following sources:

(1) The offender;

(2) The government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 2743.51 to 2743.72 of the Revised Code;

(3) Social security, medicare, and medicaid;

(4) State-required, temporary, nonoccupational disability insurance;

(5) Workers' compensation;

(6) Wage continuation programs of any employer;

(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;

(8) A contract providing prepaid hospital and other health care services,

or benefits for disability;

(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars;

(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.

"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code.

(C) "Criminally injurious conduct" means one of the following:

(1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:

(a) The person engaging in the conduct intended to cause personal injury or death;

(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of this state;

(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OMVI violation;

(d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code.

(2) For the purposes of any person described in division (A)(2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the

following applies:

(a) The person engaging in the conduct intended to cause personal injury or death;

(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted;

(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OMVI violation;

(d) The conduct occurred on or after July 25, 1990, the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to a violation of section 2903.08 of the Revised Code.

(3) For the purposes of any person described in division (A)(1) or (2) of this section, terrorism that occurs within or outside the territorial jurisdiction of the United States.

(D) "Dependent" means an individual wholly or partially dependent upon the victim for care and support, and includes a child of the victim born after the victim's death.

(E) "Economic loss" means economic detriment consisting only of allowable expense, work loss, funeral expense, unemployment benefits loss, ~~and~~ replacement services loss, cost of crime scene cleanup, and cost of evidence replacement. If criminally injurious conduct causes death, economic loss includes a dependent's economic loss and a dependent's replacement services loss. Noneconomic detriment is not economic loss; however, economic loss may be caused by pain and suffering or physical impairment.

(F)(1) "Allowable expense" means reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care and including replacement costs for eyeglasses and other corrective lenses. It does not include that portion of a charge for a room in a hospital, clinic, convalescent home, nursing home, or any other institution engaged in providing nursing care and related services in excess of a reasonable and customary charge for semiprivate accommodations, unless accommodations other than semiprivate accommodations are medically required.

(2) An immediate family member of a victim of criminally injurious

conduct that consists of a homicide, a sexual assault, domestic violence, or a severe and permanent incapacitating injury resulting in paraplegia or a similar life-altering condition, who requires psychiatric care or counseling as a result of the criminally injurious conduct, may be reimbursed for that care or counseling as an allowable expense through the victim's application. The cumulative allowable expense for care or counseling of that nature for each family member of a victim of that type shall not exceed two thousand five hundred dollars.

(G) "Work loss" means loss of income from work that the injured person would have performed if the person had not been injured and expenses reasonably incurred by the person to obtain services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by the person, or by income the person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

(H) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of the person's self or family, if the person had not been injured.

(I) "Dependent's economic loss" means loss after a victim's death of contributions of things of economic value to the victim's dependents, not including services they would have received from the victim if the victim had not suffered the fatal injury, less expenses of the dependents avoided by reason of the victim's death. If a minor child of a victim is adopted after the victim's death, the minor child continues after the adoption to incur a dependent's economic loss as a result of the victim's death. If the surviving spouse of a victim remarries, the surviving spouse continues after the remarriage to incur a dependent's economic loss as a result of the victim's death.

(J) "Dependent's replacement services loss" means loss reasonably incurred by dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed for their benefit if the victim had not suffered the fatal injury, less expenses of the dependents avoided by reason of the victim's death and not subtracted in calculating the dependent's economic loss. If a minor child of a victim is adopted after the victim's death, the minor child continues after the adoption to incur a dependent's replacement services loss as a result of the victim's death. If the surviving spouse of a victim remarries, the surviving spouse continues after the remarriage to incur a dependent's replacement services loss as a result of the victim's death.

(K) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, or other nonpecuniary damage.

(L) "Victim" means a person who suffers personal injury or death as a result of any of the following:

(1) Criminally injurious conduct;

(2) The good faith effort of any person to prevent criminally injurious conduct;

(3) The good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.

(M) "Contributory misconduct" means any conduct of the claimant or of the victim through whom the claimant claims an award of reparations that is unlawful or intentionally tortious and that, without regard to the conduct's proximity in time or space to the criminally injurious conduct, has a causal relationship to the criminally injurious conduct that is the basis of the claim.

(N) "Funeral expense" means any reasonable charges that are not in excess of five thousand dollars per funeral and that are incurred for expenses directly related to a victim's funeral, cremation, or burial.

(O) "Unemployment benefits loss" means a loss of unemployment benefits pursuant to Chapter 4141. of the Revised Code when the loss arises solely from the inability of a victim to meet the able to work, available for suitable work, or the actively seeking suitable work requirements of division (A)(4)(a) of section 4141.29 of the Revised Code.

(P) "OMVI violation" means any of the following:

(1) A violation of section 4511.19 of the Revised Code, of any municipal ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of any municipal ordinance prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;

(2) A violation of division (A)(1) of section 2903.06 of the Revised Code;

(3) A violation of division (A)(2), (3), or (4) of section 2903.06 of the Revised Code or of a municipal ordinance substantially similar to any of those divisions, if the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, at the time of the commission of the offense;

(4) For purposes of any person described in division (A)(2) of this section, a violation of any law of the state, district, territory, or foreign country in which the criminally injurious conduct occurred, if that law is substantially similar to a violation described in division (P)(1) or (2) of this section or if that law is substantially similar to a violation described in

division (P)(3) of this section and the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, at the time of the commission of the offense.

(Q) "Pendency of the claim" for an original reparations application or supplemental reparations application means the period of time from the date the criminally injurious conduct upon which the application is based occurred until the date a final decision, order ~~from the court of claims~~, or judgment concerning that original reparations application or supplemental reparations application is issued.

(R) "Terrorism" means any activity to which all of the following apply:

(1) The activity involves a violent act or an act that is dangerous to human life.

(2) The act described in division (R)(1) of this section is committed within the territorial jurisdiction of the United States and is a violation of the criminal laws of the United States, this state, or any other state or the act described in division (R)(1) of this section is committed outside the territorial jurisdiction of the United States and would be a violation of the criminal laws of the United States, this state, or any other state if committed within the territorial jurisdiction of the United States.

(3) The activity appears to be intended to do any of the following:

(a) Intimidate or coerce a civilian population;

(b) Influence the policy of any government by intimidation or coercion;

(c) Affect the conduct of any government by assassination or kidnapping.

(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in which the perpetrator or perpetrators of the activity operate or seek asylum.

(S) "Transcends the national boundaries of the United States" means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States.

(T) "Cost of crime scene cleanup" means reasonable and necessary costs of cleaning the scene where the criminally injurious conduct occurred, not to exceed seven hundred fifty dollars in the aggregate per claim.

(U) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed seven hundred fifty dollars in the aggregate per claim.

(V) "Provider" means any person who provides a victim or claimant with a product, service, or accommodations that are an allowable expense or a funeral expense.

(W) "IMMEDIATE FAMILY MEMBER" MEANS AN INDIVIDUAL WHO IS RELATED TO A VICTIM WITHIN THE FIRST DEGREE BY AFFINITY OR CONSANGUINITY.

Sec. 2743.52. (A) The ~~court of claims commissioners that are appointed pursuant to section 2743.54 of the Revised Code have jurisdiction to~~ attorney general shall make awards of reparations for economic loss arising from criminally injurious conduct, if satisfied by a preponderance of the evidence that the requirements for an award of reparations have been met.

(B) A court of claims panel of commissioners or a judge of the court of claims has appellate jurisdiction to order awards of reparations for economic loss arising from criminally injurious conduct, if satisfied by a preponderance of the evidence that the requirements for an award of reparations have been met.

(C) A decision of the attorney general, an order of a court of claims ~~commissioner or a~~ panel of ~~court of claims~~ commissioners, or the judgment of a judge of the court of claims concerning an OMVI violation shall not be used as the basis for any civil or criminal action~~,~~ and shall not be admissible as evidence in any civil or criminal proceeding.

Sec. 2743.521. (A) For claims for medical, psychological, dental, chiropractic, hospital, physical therapy, and nursing services, the attorney general may audit fee bill payments and adjust fee bill reimbursements in accordance with appropriate cost containment and reimbursement guidelines adopted by the administrator of workers compensation.

(B) A medical provider that accepts payment for medical care-related allowable expenses as part of an award of reparations shall not seek reimbursement for any part of those allowable expenses from the victim or the claimant who was granted the award. This division does not prohibit the medical provider from seeking reimbursement from a collateral source.

Sec. 2743.53. ~~The~~ (A) A court of claims~~:~~

~~(A) Shall~~ panel of commissioners shall hear and determine all matters relating to appeals from decisions of the ~~court of claims commissioners;~~

~~(B) May order law enforcement officers as defined in section 2901.01 of the Revised Code to provide it with copies of any information or data gathered in the investigation of the criminally injurious conduct that is the basis of any claim to enable it to determine whether, and the extent to which, a claimant qualifies for an award of reparations~~ attorney general pursuant to sections 2743.51 to 2743.72 of the Revised Code.

(B) A JUDGE OF THE COURT OF CLAIMS SHALL HEAR AND DETERMINE ALL MATTERS RELATING TO APPEALS FROM DECISIONS OR ORDERS OF A PANEL OF COMMISSIONERS OF THE COURT OF CLAIMS.

Sec. 2743.531. The court of claims victims of crime fund is hereby created in the state treasury. The fund shall be used to pay the compensation of the court of claims commissioners, the compensation of judges of the court of claims necessary to hear and determine appeals from the commissioners, the compensation of any court of claims personnel needed to administer sections 2743.51 to 2743.72 of the Revised Code, and other administrative expenses of hearing and determining appeals by court of claims commissioners and judges.

At the beginning of each fiscal year, the director of budget and management shall transfer cash from the reparations fund to the court of claims victims of crime fund in an amount sufficient to make the cash balance in the court of claims victims of crime fund equal to the sum of the appropriation for that fiscal year and all prior fiscal year encumbrances. If the appropriation from the court of claims victims of crime fund is increased during the fiscal year, the director shall transfer cash from the reparations fund to the court of claims victims of crime fund in an amount equal to the increase in the appropriation.

Sec. 2743.54. (A) The supreme court shall appoint at least three court of claims commissioners to hear ~~claims for an award of reparations and to make awards of reparations~~ and determine all matters relating to appeals from decisions of the attorney general pursuant to sections 2743.51 to 2743.72 of the Revised Code. Each commissioner shall be an attorney who has been licensed to practice law in this state for at least three years prior to appointment and shall serve at the pleasure of the supreme court and under the administrative supervision of the clerk of the court of claims.

(B) The supreme court shall fix the compensation of the court of claims commissioners, ~~which~~ and the compensation shall be paid out of the ~~reparations~~ court of claims victims of crime fund.

Sec. 2743.55. (A) ~~A single commissioner or~~ the attorney general, a ~~panel of~~ court of claims panel of commissioners, or a judge of the court of claims shall ~~hear and~~ determine all matters relating to claims for an award of reparations. ~~A claim for an award of reparations shall not be heard and determined until the expiration of the time allowed for the claimant to respond to the attorney general's finding of fact and recommendation for the claim. A single commissioner or~~ The attorney general, a court of claims panel of commissioners, or a judge of the court of claims may order law

enforcement officers to provide ~~them with~~ copies of any information or data gathered in the investigation of the criminally injurious conduct that is the basis of any claim to enable the attorney general, a court of claims panel of commissioners, or a judge of the court of claims to determine whether, and the extent to which, a claimant qualifies for an award of reparations.

~~Any reference in sections 2743.51 to 2743.72 of the Revised Code to action by more than a single commissioner means action by a panel of commissioners. A panel shall consist of three commissioners who may only proceed upon a majority vote.~~

(B) ~~The~~ A court of claims panel of commissioners shall sit in Franklin county. ~~A single commissioner or any panel of commissioners, pursuant to rules adopted by the chief justice of the supreme court, may sit and hear claims for an award of reparations at any other location in the state.~~

~~(C) Each claim for an award of reparations shall be heard by a single commissioner. The commissioner may determine the claim and make an award administratively without a hearing. If a claimant or the attorney general objects to the determination or award made by a single commissioner and files an objection with the clerk within thirty days after journalization of the order of the commissioner, the claim shall be heard by a panel of three commissioners who shall make an award or deny the claim upon a majority vote.~~

~~(D) The supreme court may promulgate rules to implement sections 2743.51 to 2743.72 of the Revised Code, which may include rules for the allowance of attorney's fees, the procedure for hearing claims by a single commissioner or by a panel of court of claims commissioners, and the procedure for hearing appeals from decisions of the court of claims commissioners.~~

Sec. 2743.56. (A) A claim for an award of reparations shall be commenced by filing an application for an award of reparations with the ~~clerk of the court of claims or in the court of common pleas pursuant to division (B) of this section.~~

~~(B) A claimant who files for an award of reparations in a court of common pleas shall file in the court of common pleas of the county of the claimant's residence or, if the claimant is not a resident of this state, in the court of common pleas of the county in which the criminally injurious conduct that is the basis of the application took place. Each application shall be accompanied by a filing fee of seven dollars and fifty cents unless waived pursuant to division (B) of section 2743.57 of the Revised Code~~ ATTORNEY GENERAL. THE APPLICATION MAY BE FILED BY MAIL. IF THE APPLICATION IS FILED BY MAIL, THE

RKED DATE OF THE APPLICATION SHALL BE CONSIDERED THE FILING DATE OF THE APPLICATION. The application shall be in a form prescribed by the ~~clerk of the court of claims,~~ attorney general and shall ~~contain the following information:~~

~~(1) The name and address of the victim of the criminally injurious conduct, the name and address of the claimant, and the relationship of the claimant to the victim;~~

~~(2) The nature of the criminally injurious conduct that is the basis for the claim and the date on which the conduct occurred;~~

~~(3) The law enforcement agency or officer to whom the criminally injurious conduct was reported and the date on which it was reported;~~

~~(4) The nature and extent of the injuries that the victim sustained from the criminally injurious conduct;~~

~~(5) The type of economic loss that the victim, a dependent, or the claimant sustained as a result of the criminally injurious conduct;~~

~~(6) A~~ include a release authorizing the attorney general and the court of claims~~, the court of claims commissioners, and the staff of the attorney general~~ to obtain any report, document, or information that relates to the determination of the claim for an award of reparations that is requested in the application~~;~~

~~(7) Any information that the clerk of the court of claims requires and that is reasonably related to an application for an award of reparations. The clerk of the court of claims may require the claimant to submit with the application materials to substantiate the facts that are stated in the application~~.

~~(C)~~(B) All applications for an award of reparations shall be filed as follows:

(1) If the victim of the criminally injurious conduct was a minor, within two years of the victim's eighteenth birthday or within two years from the date a complaint, indictment, or information is filed against the alleged offender, whichever is later. This division does not require that a complaint, indictment, or information be filed against an alleged offender in order for an application for an award of reparations to be filed pertaining to a victim who was a minor if the application is filed within two years of the victim's eighteenth birthday, and does not affect the provisions of section 2743.64 of the Revised Code. ~~This division applies to all applications for an award of reparations filed on or after March 11, 1987, and to any application for an award of reparations filed before March 11, 1987, for which an award or denial of the claim is not final within the meaning of division (B) of section 2743.61 of the Revised Code.~~

(2) If the victim of the criminally injurious conduct was an adult, within two years after the occurrence of the criminally injurious conduct.

Sec. 2743.58. ~~(A) The clerk of the court of claims shall send a copy of the application to the attorney general. Upon receipt of the copy of the application, the attorney general shall contact the prosecuting attorney of the county in which the criminally injurious conduct occurred and the law enforcement agency that actively investigated the criminally injurious conduct, and request that they provide information on the criminally injurious conduct and related matters.~~ The prosecuting attorney and any officer or employee of the office of the prosecuting attorney or of the law enforcement agency shall be immune from any civil liability that might otherwise be incurred as the result of providing information on ~~the~~ criminally injurious conduct and related matters to the attorney general.

~~(B) The clerk, upon receipt of the attorney general's finding of fact and recommendation for a claim for an award of reparations, shall forward a copy of the finding and recommendation to the claimant and shall give the claimant an opportunity to respond in writing. After the expiration of the time allowed for the claimant's response, the clerk shall assign the claim to a court of claims commissioner.~~

Sec. 2743.59. (A) The attorney general~~, upon receipt of an application for an award of reparations from the clerk of the court of claims,~~ shall fully investigate ~~the~~ a claim for an award of reparations, regardless of whether any person is prosecuted for or convicted of committing the criminally injurious conduct alleged in the application. After completing the investigation, the attorney general shall make a written finding of fact and ~~recommendation~~ decision concerning an award of reparations. ~~The attorney general shall file the finding of fact and recommendation and all information or documents that the attorney general used in the investigation with the clerk of the court of claims.~~

(B)(1) The attorney general may require the claimant to supplement the application for an award of reparations with any further information or documentary materials, including any medical report readily available, that may lead to any relevant facts in the determination of whether, and the extent to which, a claimant qualifies for an award of reparations. The attorney general may depose any witness, including the claimant, pursuant to Civil Rules 28, 30, and 45.

(2)(a) For the purpose of determining whether, and the extent to which, a claimant qualifies for an award of reparations, the attorney general may issue subpoenas and subpoenas duces tecum to compel any person or entity, including any collateral source, that provided, will provide, or would have

provided to the victim any income, benefit, advantage, product, service, or accommodation, including any medical care or other income, benefit, advantage, product, service, or accommodation that might qualify as an allowable expense or a funeral expense, to produce materials to the attorney general that are relevant to the income, benefit, advantage, product, service, or accommodation that was, will be, or would have been so provided and to the attorney general's determination.

(b) If the attorney general issues a subpoena or subpoena duces tecum under division (B)(2)(a) of this section and if the materials that the attorney general requires to be produced are located outside this state, the attorney general may designate one or more representatives, including officials of the state in which the materials are located, to inspect the materials on the attorney general's behalf, and the attorney general may respond to similar requests from officials of other states. The person or entity subpoenaed may make the materials available to the attorney general at a convenient location within the state.

(c) At any time before the return day specified in the subpoena or subpoena duces tecum issued under division (B)(2)(a) of this section or within twenty days after the subpoena or subpoena duces tecum has been served, whichever period is shorter, the person or entity subpoenaed may file ~~in the~~ with a judge of the court of claims a petition to extend the return day or to modify or quash the subpoena or subpoena duces tecum. The petition shall state good cause.

(d) A person or entity who is subpoenaed under division (B)(2)(a) of this section shall comply with the terms of the subpoena or subpoena duces tecum unless otherwise provided by an order of ~~the~~ a judge of the court of claims entered prior to the day for return contained in the subpoena or as extended by the court. If a person or entity fails without lawful excuse to obey a subpoena or subpoena duces tecum issued under division (B)(2)(a) of this section or to produce relevant materials, the attorney general may apply to ~~the~~ a judge of the court of claims for and obtain an order adjudging the person or entity in contempt of court.

(C) The finding of fact and decision that is issued by the attorney general pursuant to division (A) of this section shall contain all of the following:

(1) Whether the criminally injurious conduct that is the basis for the application did occur, the date on which the conduct occurred, and the exact nature of the conduct;

(2) Whether the criminally injurious conduct was reported to a law enforcement officer or agency, the date on which the conduct was reported,

the name of the person who reported the conduct, and the reasons why the conduct was not reported to a law enforcement officer or agency or was not reported to a law enforcement officer or agency within seventy-two hours after the conduct occurred;

(3) The exact nature of the injuries that the victim sustained as a result of the criminally injurious conduct;

(4) A specific list of the economic loss that was sustained as a result of the criminally injurious conduct by the victim, the claimant, or a dependent;

(5) A specific list of any benefits or advantages that the victim, the claimant, or a dependent has received or is entitled to receive from any collateral source for economic loss that resulted from the conduct and whether a collateral source would have reimbursed the claimant for a particular expense if a timely claim had been made, and the extent to which the expenses likely would have been reimbursed by the collateral source;

(6) A description of any evidence in support of contributory misconduct by the claimant or by the victim through whom the claimant claims an award of reparations, whether the victim has been convicted of a felony or has a record of felony arrests under the laws of this state, another state, or the United States, whether disqualifying conditions exist under division (E) of section 2743.60 of the Revised Code, and whether there is evidence that the victim engaged in an ongoing course of criminal conduct within five years or less of the criminally injurious conduct that is the subject of the claim;

(7) ~~Whether an assignment has been filed pursuant to division (E) of section 2743.66 of the Revised Code;~~

~~(8)~~ Whether the victim of the criminally injurious conduct was a minor;

~~(9)~~(8) If the victim of the criminally injurious conduct was a minor, whether a complaint, indictment, or information was filed against the alleged offender and, if such a filing occurred, its date;

~~(10)~~(9) Any information that is relevant to the claim for an award of reparations.

(D) The ~~recommendation~~ decision that is issued by the attorney general pursuant to division (A) of this section shall contain all of the following:

(1) A statement as to whether a claimant is eligible for an award of reparations ~~should be made~~, whether payments made pursuant to the award ~~should~~ are to be made to the claimant, to ~~an assignee~~ a provider, or jointly to the claimant and ~~an assignee~~ a provider, and ~~what~~ the amount of the payments to the claimant~~, the assignee, and to the claimant and assignee should be~~ or provider;

(2) A statement as to whether any of the payments made pursuant to the

award should be paid in a lump sum or in installments;

(3) If the attorney general ~~recommends~~ decides that an award not be made to the claimant, the reasons for that decision.

(E) The attorney general shall make ~~the attorney general's recommendation~~ a written finding of fact and decision in accordance with sections 2743.51 to 2743.72 of the Revised Code ~~and~~ within one hundred twenty days after receiving the claim application ~~from the clerk of the court of claims~~. The attorney general may ~~file a motion for an extension of~~ extend the one-hundred-twenty-day time limit and shall ~~state~~ record in writing specific reasons to justify the extension. The attorney general shall ~~file the motion for an extension with the clerk of the court of claims, shall serve a copy of the motion upon the claimant pursuant to Civil Rule 5, and shall~~ notify the claimant ~~that the claimant may file a written objection to the extension with the clerk of the court of claims. A court of claims commissioner, upon a showing of good cause, may grant the extension. If an extension is granted, the order granting the extension shall state the specific reasons for granting the extension, and the clerk shall send a copy of the order to the claimant.~~

~~(F) Within twenty-one days after the attorney general files the attorney general's finding and recommendation concerning an award of reparations with the court of claims, any person may file with the clerk of the court of claims any information that is relevant to the granting or denial of the award that the person reasonably believes was not before or considered by the attorney general in making the attorney general's finding and recommendation. If a court of claims commissioner considers the information relevant, a copy of the information filed shall be served upon the claimant and the attorney general. The claimant and the attorney general may respond in writing to the information at any time within ten days after receiving a copy of the information~~ of the extension and of the reasons for the extension. The attorney general shall serve a copy of its written finding of fact and decision upon the claimant.

Sec. 2743.60. (A) ~~Neither a single commissioner nor~~ The attorney general, a ~~panel of~~ court of claims panel of commissioners, or a judge of the court of claims shall not make or order an award of reparations to any claimant who, if the victim of the criminally injurious conduct was an adult, did not file an application for an award of reparations within two years after the date of the occurrence of the criminally injurious conduct that caused the injury or death for which the victim is seeking an award of reparations or who, if the victim of that criminally injurious conduct was a minor, did not file an application for an award of reparations within the period provided by

division (C)(1) of section 2743.56 of the Revised Code. An award of reparations shall not be made to a claimant if the criminally injurious conduct upon which the claimant bases a claim was not reported to a law enforcement officer or agency within seventy-two hours after the occurrence of the conduct, unless it is determined that good cause existed for the failure to report the conduct within the seventy-two-hour period.

(B)(1) ~~Neither a single commissioner nor~~ The attorney general, a panel of commissioners, or a judge of the court of claims shall not make or order an award of reparations to a claimant ~~who~~ if any of the following apply:

(a) The claimant is the offender or an accomplice of the offender who committed the criminally injurious conduct, ~~nor to any claimant if~~ or the award would unjustly benefit the offender or accomplice.

(b) Except as provided in division (B)(2) of this section, BOTH OF THE FOLLOWING APPLY:

(i) The victim was a passenger in a motor vehicle and knew or reasonably should have known that the driver was under the influence of alcohol, a drug of abuse, or both.

(ii) THE CLAIMANT IS SEEKING COMPENSATION FOR INJURIES PROXIMATELY CAUSED BY THE DRIVER DESCRIBED IN DIVISION (B)(1)(b)(i) OF THIS SECTION BEING UNDER THE INFLUENCE OF ALCOHOL, A DRUG OF ABUSE, OR BOTH.

(c) Both of the following apply:

(i) The victim was under the influence of alcohol, a drug of abuse, or both and was a passenger in a motor vehicle and, if sober, should have reasonably known that the driver was under the influence of alcohol, a drug of abuse, or both.

(ii) THE CLAIMANT IS SEEKING COMPENSATION FOR INJURIES PROXIMATELY CAUSED BY THE DRIVER DESCRIBED IN DIVISION (B)(1)(b)(i) OF THIS SECTION BEING UNDER THE INFLUENCE OF ALCOHOL, A DRUG OF ABUSE, OR BOTH.

(2) Division (B)(1)(b) of this section does not apply if on the date of the occurrence of the criminally injurious conduct, the victim was under sixteen years of age or was at least sixteen years of age but less than eighteen years of age and was riding with a parent, guardian, or care-provider.

(C) ~~A single commissioner or~~ The attorney general, a panel of commissioners, or a judge of the court of claims, upon a finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny a claim or reconsider and reduce an award of reparations.

(D) ~~A single commissioner or~~ The attorney general, a panel of

commissioners, or a judge of the court of claims shall reduce an award of reparations or deny a claim for an award of reparations that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is recouped from other persons, including collateral sources. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source. If the award or denial is conditioned upon the recoupment of the claimant's economic loss from a collateral source and it is determined that the claimant did not unreasonably fail to present a timely claim to the collateral source and will not receive all or part of the expected recoupment, the claim may be reopened and an award may be made in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source.

If the claimant recoups all or part of the economic loss upon which the claim is based from any other person or entity, including a collateral source, the attorney general may recover pursuant to section 2743.72 of the Revised Code the part of the award that represents the economic loss for which the claimant received the recoupment from the other person or entity.

(E) ~~Neither a single commissioner nor~~ The attorney general, a panel of commissioners, or a judge of the court of claims shall not make an award to a claimant if any of the following applies:

(1) The victim was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim.

(2) The claimant was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim.

(3) It is proved by a preponderance of the evidence ~~presented to the commissioner or the panel~~ that the victim or the claimant engaged, within ten years prior to the criminally injurious conduct gave rise to the claim or during the pendency of the claim, in ~~conduct~~ an offense of violence, a violation of section 2925.03 of the Revised Code, or any substantially similar offense that also would constitute a felony under the laws of this state, another state, or the United States.

(4) The claimant was convicted of a violation of section 2919.22 or 2919.25 of the Revised Code, or of any state law or municipal ordinance substantially similar to either section, within ten years prior to the criminally injurious conduct that gave rise to the claim or during the pendency of the

claim.

(F) In determining whether to make an award of reparations pursuant to this section, ~~a single commissioner~~ the attorney general or panel of commissioners shall consider whether there was contributory misconduct by the victim or the claimant. ~~A single commissioner or~~ The attorney general, a panel of commissioners, or a judge of the court of claims shall reduce an award of reparations or deny a claim for an award of reparations to the extent it is determined to be reasonable because of the contributory misconduct of the claimant or the victim.

~~If~~ When the attorney general ~~recommends that~~ decides whether a claim should be denied because of an allegation of contributory misconduct ~~that is supported by the finding of fact in division (C)(6) of section 2743.59 of the Revised Code~~, the burden of proof on the issue of that alleged contributory misconduct shall be upon the claimant, if either of the following apply:

(1) The victim was convicted of a felony more than ten years prior to the criminally injurious conduct that is the subject of the claim or has a record of felony arrests under the laws of this state, another state, or the United States~~;~~.

(2) There is good cause to believe that the victim engaged in an ongoing course of criminal conduct within five years or less of the criminally injurious conduct that is the subject of the claim.

For purposes of this section, if it is proven by a preponderance of the evidence that the victim engaged in conduct at the time of the criminally injurious conduct that was a felony violation of section 2925.11 of the Revised Code, the conduct shall be presumed to have contributed to the criminally injurious conduct and shall result in a complete denial of the claim.

(G) ~~Neither a single commissioner nor~~ The attorney general, a panel of commissioners, or a judge of the court of claims shall not make an award of reparations to a claimant if the criminally injurious conduct that caused the injury or death that is the subject of the claim occurred to a victim who was an adult and while the victim, after being convicted of or pleading guilty to an offense, was serving a sentence of imprisonment in any detention facility, as defined in section 2921.01 of the Revised Code.

(H) If a claimant unreasonably fails to present a claim timely to a source of benefits or advantages that would have been a collateral source and that would have reimbursed the claimant for all or a portion of a particular expense, ~~a single commissioner or~~ The attorney general, a panel of commissioners, or a judge of the court of claims may reduce an award of reparations or deny a claim for an award of reparations to the extent that it is

reasonable to do so.

(I) Reparations payable to a victim and to all other claimants sustaining economic loss because of injury to or the death of that victim shall not exceed fifty thousand dollars in the aggregate.

Sec. 2743.61. (A) The attorney general ~~may appeal conclusions of law made by a panel of court of claims commissioners and a~~, on the attorney general's own motion or upon request of a claimant or victim, may reconsider a decision to make an award of reparations, the amount of an award of reparations, or a decision to deny a claim for an award of reparations. A claimant may file a request for reconsideration with the attorney general not later than thirty days after the attorney general renders an initial decision. A claimant may submit with the request any additional information that is relevant to the claimant's claim for an award of reparation.

The attorney general shall reconsider the application based upon evidence that is relevant to the application and issue a final decision within sixty days of receiving the request for reconsideration. The attorney general may extend the sixty-day time limit and shall record in writing specific reasons to justify the extension. The attorney general shall notify the claimant of the extension and of the reasons for the extension.

If a claimant does not file a request for reconsideration of a decision of the attorney general to make an award or to deny a claim or of the amount of an award within thirty days after the decision is rendered, the award, the denial of the claim, or the amount of the award is final unless the attorney general in the interest of justice allows the reconsideration after the expiration of that period of time.

(B) A claimant may appeal an award of reparations, the amount of an award of reparations, or the denial of a claim for an award of reparations that is made by a ~~panel of court of claims commissioners~~ final decision of the attorney general after any reconsideration If the ~~determination~~ final decision of the ~~commissioners~~ attorney general with respect to any claim for an award of reparations is appealed, ~~the~~ a court of claims panel of commissioners, within ninety days of receiving the notice of appeal, shall schedule and conduct a hearing on the appeal. The panel of commissioners shall ~~hear and~~ determine the appeal within sixty days from the date of the hearing on the basis of the record of the hearing before the commissioners, including the original award or denial ~~made by a single commissioner,~~ and the finding of fact ~~and recommendation~~ of the attorney general, any information or documents that the attorney general used in ~~his~~ the investigation, any information or data provided to the ~~court of claims~~

~~nt to division (B) of section 2743.53 of the Revised Code~~ attorney general, ~~and~~ any briefs or oral arguments that may be requested by ~~the~~ a court of claims panel of commissioners, and any additional evidence presented at the hearing The panel of commissioners may extend the sixty-day time limit and shall record in writing specific reasons to justify the extension. THE ATTORNEY GENERAL SHALL SUPPLY THE PANEL OF COMMISSIONERS WITH THE ORIGINAL DECISION AWARDING OR DENYING COMPENSATION, THE FINDING OF FACT OF THE ATTORNEY GENERAL, ANY INFORMATION OR DOCUMENTS THAT THE ATTORNEY GENERAL USED IN THE INVESTIGATION, AND ANY INFORMATION OR DATA PROVIDED TO THE ATTORNEY GENERAL WITHIN FOURTEEN DAYS OF THE FILING OF THE OBJECTION AND NOTICE OF APPEAL BY THE APPLICANT. The panel of commissioners shall notify the claimant and attorney general of the extension and of the reasons for the extension. If upon hearing and consideration of the record and evidence, the court of claims panel of commissioners decides that the decision of the ~~commissioners~~ attorney general appealed from is reasonable and lawful, it shall affirm the same~~, but if~~. If the court of claims panel of commissioners decides that the decision of the ~~commissioners~~ attorney general is not supported by a preponderance of the evidence or is unreasonable or unlawful, ~~the court~~ it shall reverse and vacate the decision or modify it and enter judgment thereon.

~~(B)~~(C) THE ATTORNEY GENERAL OR A CLAIMANT MAY APPEAL AN AWARD OF REPARATIONS, THE AMOUNT OF AN AWARD OF REPARATIONS, OR THE DENIAL OF A CLAIM FOR AN AWARD OF REPARATIONS THAT IS MADE BY A PANEL OF COURT OF CLAIMS COMMISSIONERS. IF THE DETERMINATION OF THE PANEL OF COMMISSIONERS WITH RESPECT TO ANY CLAIM FOR AN AWARD OF REPARATIONS IS APPEALED, A JUDGE OF THE COURT OF CLAIMS SHALL HEAR AND DETERMINE THE APPEAL ON THE BASIS OF THE RECORD OF THE HEARING BEFORE THE COMMISSIONERS, INCLUDING THE ORIGINAL AWARD OR DENIAL MADE BY THE ATTORNEY GENERAL, ANY INFORMATION OR DOCUMENTS PRESENTED TO THE PANEL OF COMMISSIONERS, AND ANY BRIEFS OR ORAL ARGUMENTS THAT MAY BE REQUESTED BY THE JUDGE. IF UPON HEARING AND CONSIDERATION OF THE RECORD AND EVIDENCE, THE JUDGE DECIDES THAT THE DECISION OF THE PANEL OF COMMISSIONERS IS UNREASONABLE OR UNLAWFUL,

THE JUDGE SHALL REVERSE AND VACATE THE DECISION OR MODIFY IT AND ENTER JUDGMENT ON THE CLAIM. THE DECISION OF THE JUDGE OF THE COURT OF CLAIMS IS FINAL.

(D) Notices of an appeal concerning an award of reparations shall be filed within thirty days after the date on which the award or the denial of a claim is made by a final decision of the ~~commissioners~~ attorney general If a notice of appeal is not filed within the thirty-day period, the award or denial of the claim is final unless ~~the~~ a court of claims panel of commissioners in the interests of justice allows the appeal.

(E) THE ATTORNEY GENERAL OR A CLAIMANT SHALL FILE A NOTICE OF AN APPEAL CONCERNING AN ORDER OR DECISION OF A PANEL OF COMMISSIONERS WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE AWARD OR THE DENIAL OF A CLAIM IS MADE BY THE PANEL OF COMMISSIONERS. IF THE ATTORNEY GENERAL OR A CLAIMANT DOES NOT FILE A NOTICE OF APPEAL WITH RESPECT TO AN AWARD OR DENIAL WITHIN THE THIRTY-DAY PERIOD, THE AWARD OR DENIAL OF THE CLAIM IS FINAL UNLESS A JUDGE OF THE COURT OF CLAIMS IN THE INTERESTS OF JUSTICE ALLOWS THE APPEAL.

Sec. 2743.62. (A)(1) Subject to division (A)(2) of this section, there is no privilege, except the privileges arising from the attorney-client relationship, as to communications or records that are relevant to the physical, mental, or emotional condition of the claimant or victim in a proceeding under sections 2743.51 to 2743.72 of the Revised Code in which that condition is an element.

(2)(a) Except as specified in division (A)(2)(b) of this section, any record or report that ~~the~~ a judge of the court of claims, a court of claims panel of commissioners, or the attorney general has obtained prior to, or obtains on or after, ~~the effective date of this amendment~~ June 30, 1998, under the provisions of sections 2743.51 to 2743.72 of the Revised Code and that is confidential or otherwise exempt from public disclosure under section 149.43 of the Revised Code while in the possession of the creator of the record or report shall remain confidential or exempt from public disclosure under section 149.43 of the Revised Code while in the possession of the court of claims or the attorney general.

(b) Notwithstanding division (A)(2)(a) of this section, ~~the~~ a judge of the court of claims, a panel of commissioners, a claimant, a claimant's attorney, or the attorney general may disclose or refer to records or reports described in that division in any hearing conducted under sections 2743.51 to 2743.72 of the Revised Code or in the ~~court's~~ judge's, panel of commissioners',

claimant's, or attorney general's written pleadings, findings, recommendations, and decisions.

(B) If the mental, physical, or emotional condition of a victim or claimant is material to a claim for an award of reparations, ~~a single commissioner or~~ the attorney general, a panel of commissioners, or a judge of the court of claims may order the victim or claimant to submit to a mental or physical examination by a physician or psychologist and may order an autopsy of a deceased victim. The order may be made for good cause shown and upon notice to the person to be examined and to the claimant ~~and the attorney general~~. The order shall specify the time, place, manner, conditions, and scope of the examination or autopsy and the person by whom it is to be made and shall require the person who performs the examination or autopsy to file with the ~~clerk of the court of claims~~ attorney general a detailed written report of the examination or autopsy. The report shall set out the findings, including the results of all tests made, diagnoses, prognoses, and other conclusions and reports of earlier examinations of the same conditions.

(C) On request of the person examined, the ~~clerk of the court of claims~~ attorney general shall furnish the person a copy of the report. If the victim is deceased, the ~~clerk of the court of claims~~ attorney general, on request, shall furnish the claimant a copy of the report.

(D) ~~A single commissioner or~~ The attorney general, a panel of commissioners, or a judge of the court of claims may require the claimant to supplement the application for an award of reparations with any reasonably available medical or psychological reports relating to the injury for which the award of reparations is claimed.

(E) The ~~court, a single commissioner~~ attorney general, a panel of commissioners, or ~~the attorney general~~ a judge of the court of claims, in a claim arising out of a violation of any provision of sections 2907.02 to 2907.07 of the Revised Code, shall not request the victim or the claimant to supply, or permit any person to supply, any evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, or reputation evidence of the victim's sexual activity unless it involves evidence of the origin of semen, pregnancy, or disease or evidence of the victim's past sexual activity with the offender and only to the extent that the ~~court~~ judge, the panel of commissioners, or the attorney general finds that the evidence is relevant to a fact at issue in the claim.

Sec. 2743.63. If a person refuses to comply with an order under sections 2743.51 to 2743.72 of the Revised Code, or asserts a privilege, except privileges arising from the attorney-client relationship, to withhold or suppress evidence relevant to a claim for an award of reparations, ~~a single~~

~~commissioner or a panel of court of claims commissioners~~ the attorney general may make any just ~~order~~ decision including denial of the claim~~,~~ but shall not find the person in contempt. If necessary to carry out any of ~~its~~ the attorney general's powers and duties, ~~a single commissioner or a panel of commissioners~~ the attorney general may petition ~~the~~ a court of claims panel of commissioners for an appropriate order, including but not limited to a finding of contempt, but ~~the court of claims~~ a panel of commissioners shall not find a person in contempt for refusal to submit to a mental or physical examination.

Sec. 2743.64. ~~A single commissioner or~~ The attorney general, a ~~panel of~~ court of claims panel of commissioners, or a judge of the court of claims may make an award of reparations whether or not any person is prosecuted or convicted for committing the conduct that is the basis of the award. Proof of conviction of a person whose conduct gave rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction, or certiorari is pending, or a rehearing or new trial has been ordered.

If the prosecuting attorney of the county in which the criminally injurious conduct allegedly occurred ~~or the attorney general~~ requests the suspension of proceedings in any claim for an award of reparations and if the request is made because of the commencement of a criminal prosecution, ~~a single commissioner or a panel of commissioners~~ the attorney general may suspend, because a criminal prosecution has been commenced or is imminent, the proceedings in any claim for an award of reparations for a definite period of time, and may make ~~a tentative~~ an emergency award under section 2743.67 of the Revised Code.

Sec. 2743.65. (A) ~~As part of an order, a single commissioner or a panel of court of claims commissioners shall determine and award reasonable~~ THE ATTORNEY GENERAL SHALL DETERMINE, AND THE STATE SHALL PAY, IN ACCORDANCE WITH THIS SECTION attorney's fees, commensurate with services rendered, ~~to be paid by the state~~ to the attorney representing a claimant under sections 2743.51 to 2743.72 of the Revised Code. ~~Additional attorney's fees may be awarded by the court of claims in the event of appeal. Attorney's fees may be denied upon a finding that the claim or appeal is frivolous. Awards of attorney's fees shall be in addition to awards of reparations, and attorney's fees may be awarded whether or not an award of reparations is made. An attorney who represents an applicant for an award of reparations shall not charge the applicant for the services rendered in relation to that representation and shall apply to the court of claims for payment for the representation.~~ THE ATTORNEY SHALL

MIT ON AN APPLICATION FORM AN ITEMIZED FEE BILL AT THE RATE OF SIXTY DOLLARS PER HOUR UPON RECEIPT OF THE FINAL DECISION ON THE CLAIM. ATTORNEY'S FEES PAID PURSUANT TO THIS SECTION ARE SUBJECT TO THE FOLLOWING MAXIMUM AMOUNTS:

(1) A MAXIMUM OF SEVEN HUNDRED TWENTY DOLLARS FOR CLAIMS RESOLVED WITHOUT THE FILING OF AN APPEAL TO THE PANEL OF COMMISSIONERS;

(2) A MAXIMUM OF ONE THOUSAND TWENTY DOLLARS FOR CLAIMS IN WHICH AN APPEAL TO THE PANEL OF COMMISSIONERS IS FILED PLUS, AT THE REQUEST OF AN ATTORNEY WHOSE MAIN OFFICE IS NOT IN FRANKLIN COUNTY, DELAWARE COUNTY, LICKING COUNTY, FAIRFIELD COUNTY, PICKAWAY COUNTY, MADISON COUNTY, OR UNION COUNTY, AN AMOUNT FOR THE ATTORNEY'S TRAVEL TIME TO ATTEND THE ORAL HEARING BEFORE THE PANEL OF COMMISSIONERS AT THE RATE OF THIRTY DOLLARS PER HOUR;

(3) A MAXIMUM OF ONE THOUSAND THREE HUNDRED TWENTY DOLLARS FOR CLAIMS IN WHICH AN APPEAL TO A JUDGE OF THE COURT OF CLAIMS IS FILED PLUS, AT THE REQUEST OF AN ATTORNEY WHOSE MAIN OFFICE IS NOT IN FRANKLIN COUNTY, DELAWARE COUNTY, LICKING COUNTY, FAIRFIELD COUNTY, PICKAWAY COUNTY, MADISON COUNTY, OR UNION COUNTY, AN AMOUNT FOR THE ATTORNEY'S TRAVEL TIME TO ATTEND THE ORAL HEARING BEFORE THE JUDGE AT THE RATE OF THIRTY DOLLARS PER HOUR;

(4) A MAXIMUM OF SEVEN HUNDRED TWENTY DOLLARS FOR A SUPPLEMENTAL REPARATIONS APPLICATION;

(5) A MAXIMUM OF TWO HUNDRED DOLLARS IF THE CLAIM IS DENIED ON THE BASIS OF A CLAIMANT'S OR VICTIM'S CONVICTION OF A FELONY OFFENSE PRIOR TO THE FILING OF THE CLAIM. IF THE CLAIMANT OR VICTIM IS CONVICTED OF A FELONY OFFENSE DURING THE PENDENCY OF THE CLAIM, THE TWO HUNDRED DOLLARS MAXIMUM DOES NOT APPLY. IF THE ATTORNEY HAD KNOWLEDGE OF THE CLAIMANT'S OR VICTIM'S FELONY CONVICTION PRIOR TO THE FILING OF THE APPLICATION FOR THE CLAIM, THE ATTORNEY GENERAL MAY DETERMINE THAT THE FILING OF THE CLAIM WAS FRIVOLOUS AND MAY DENY ATTORNEY'S FEES.

(B) THE ATTORNEY GENERAL MAY DETERMINE THAT AN

ATTORNEY BE REIMBURSED FOR FEES INCURRED IN THE CREATION OF A GUARDIANSHIP IF THE GUARDIANSHIP IS REQUIRED IN ORDER FOR AN INDIVIDUAL TO RECEIVE AN AWARD OF REPARATIONS, AND THOSE FEES SHALL BE REIMBURSED AT A RATE OF SIXTY DOLLARS PER HOUR.

(C)(1) THE ATTORNEY GENERAL SHALL FORWARD AN APPLICATION FORM FOR ATTORNEY'S FEES TO A CLAIMANT'S ATTORNEY BEFORE OR WHEN THE FINAL DECISION ON A CLAIM IS RENDERED. THE APPLICATION FORM FOR ATTORNEY'S FEES SHALL DO ALL OF THE FOLLOWING:

(a) INFORM THE ATTORNEY OF THE REQUIREMENTS OF THIS SECTION;

(b) REQUIRE A VERIFICATION STATEMENT COMPORTING WITH THE LAW PROHIBITING FALSIFICATION;

(c) REQUIRE AN ITEMIZED FEE STATEMENT;

(d) REQUIRE A VERIFICATION STATEMENT THAT THE CLAIMANT WAS SERVED A COPY OF THE COMPLETED APPLICATION FORM;

(e) INCLUDE NOTICE THAT THE CLAIMANT MAY OPPOSE THE APPLICATION BY NOTIFYING THE ATTORNEY GENERAL IN WRITING WITHIN TEN DAYS.

(2) THE ATTORNEY GENERAL SHALL FORWARD A COPY OF THIS SECTION TO THE ATTORNEY WITH THE APPLICATION FORM FOR ATTORNEY'S FEES. THE ATTORNEY SHALL FILE THE APPLICATION FORM WITH THE ATTORNEY GENERAL. THE ATTORNEY GENERAL'S DECISION WITH RESPECT TO AN AWARD OF ATTORNEY'S FEES IS FINAL TEN DAYS AFTER THE ATTORNEY GENERAL RENDERS THE DECISION AND MAILS A COPY OF THE DECISION TO THE ATTORNEY AT THE ADDRESS PROVIDED BY THE ATTORNEY. THE ATTORNEY MAY REQUEST RECONSIDERATION OF THE DECISION ON GROUNDS THAT IT IS INSUFFICIENT OR CALCULATED INCORRECTLY. THE ATTORNEY GENERAL'S DECISION ON THE REQUEST FOR RECONSIDERATION IS FINAL.

(D) THE ATTORNEY GENERAL SHALL REVIEW ALL APPLICATION FORMS FOR ATTORNEY'S FEES THAT ARE SUBMITTED BY A CLAIMANT'S ATTORNEY AND SHALL ISSUE AN ORDER APPROVING THE AMOUNT OF FEES TO BE PAID TO THE ATTORNEY WITHIN SIXTY DAYS AFTER RECEIPT OF THE APPLICATION FORM.

(E) NO ATTORNEY'S FEES SHALL BE PAID FOR THE FOLLOWING:

(1) ESTATE WORK OR REPRESENTATION OF A CLAIMANT AGAINST A COLLATERAL SOURCE;

(2) DUPLICATION OF INVESTIGATIVE WORK REQUIRED TO BE PERFORMED BY THE ATTORNEY GENERAL;

(3) PERFORMANCE OF UNNECESSARY CRIMINAL INVESTIGATION OF THE OFFENSE;

(4) PRESENTING OR APPEALING AN ISSUE THAT HAS BEEN REPEATEDLY RULED UPON BY THE HIGHEST APPELLATE AUTHORITY, UNLESS A UNIQUE SET OF FACTS OR UNIQUE ISSUE OF LAW EXISTS THAT DISTINGUISHES IT;

(5) A FEE REQUEST THAT IS UNREASONABLE, IS NOT COMMENSURATE WITH SERVICES RENDERED, VIOLATES THE OHIO CODE OF PROFESSIONAL RESPONSIBILITY, OR IS BASED UPON SERVICES THAT ARE DETERMINED TO BE FRIVOLOUS.

(F)(1) THE ATTORNEY GENERAL MAY REDUCE OR DENY THE PAYMENT OF ATTORNEY'S FEES TO AN ATTORNEY WHO HAS FILED A FRIVOLOUS CLAIM. SUBJECT TO DIVISION (A)(5) OF THIS SECTION, THE DENIAL OF A CLAIM ON THE BASIS OF A FELONY CONVICTION, FELONY CONDUCT, OR CONTRIBUTORY MISCONDUCT DOES NOT CONSTITUTE A FRIVOLOUS CLAIM.

(2) AS USED IN THIS SECTION, "FRIVOLOUS CLAIM" MEANS A CLAIM IN WHICH THERE IS CLEARLY NO LEGAL GROUNDS UNDER THE EXISTING LAWS OF THIS STATE TO SUPPORT THE FILING OF A CLAIM ON BEHALF OF THE CLAIMANT OR VICTIM.

(G) The attorney general may determine that a lesser number of hours should have been required in a given case. Additional reimbursement may be made where the attorney demonstrates to the attorney general that the nature of the particular claim required the expenditure of an amount in excess of that allowed.

(H) A contract or other agreement between an attorney and any person that provides for the payment of attorney's fees or other payments in excess of the attorney's fees allowed under this section for representing a claimant under sections 2743.51 to 2743.72 of the Revised Code shall be void and unenforceable.

~~(B)~~(I) Each witness who appears in a hearing on a claim for an award of reparations shall receive compensation in an amount equal to that received by witnesses in civil cases as provided in section 2335.06 of the Revised Code.

Sec. 2743.66. (A) ~~An order of a single commissioner or a panel of~~ A decision of the attorney general, order of a court of claims panel of commissioners, or judgment of a judge of the court of claims granting an award of reparations may provide for the payment of the award in a lump sum or in installments. The part of an award equal to the amount of economic loss accrued to the date of the award shall be paid in a lump sum. An award for allowable expense that would accrue after the award is made shall not be paid in a lump sum. Except as provided in division (B) of this section, the part of an award not paid in a lump sum shall be paid in installments.

(B) Upon the motion of the claimant ~~or upon the recommendation of,~~ the attorney general~~, a single commissioner or a panel of commissioners~~ may commute future economic loss, other than allowable expense, to a lump sum but only upon a finding that either of the following applies:

(1) The award in a lump sum will promote the interests of the claimant.

(2) The present value of all future economic loss, other than allowable expense, does not exceed one thousand dollars.

(C) ~~A single commissioner or a panel of commissioners~~ The attorney general may make an award for future economic loss payable in installments only for a period as to which future economic loss reasonably can be determined. An award for future economic loss payable in installments may be reconsidered and modified upon a finding that a material and substantial change of circumstances has occurred.

(D) An award is not subject to execution, attachment, garnishment, or other process, except that, upon receipt of an award by a claimant:

(1) The part of the award that is for allowable expense or funeral expense is not exempt from such action by a creditor to the extent that the creditor provided products, services, or accommodations the costs of which are included in the award.

(2) The part of the award that is for work loss shall not be exempt from such action to secure payment of spousal support, other maintenance, or child support.

(3) The attorney general may recover the award pursuant to section 2743.72 of the Revised Code if it is discovered that the claimant actually was not eligible for the award or that the award otherwise should not have been made under the standards and criteria set forth in sections 2743.51 to 2743.72 of the Revised Code.

(4) If the claimant receives compensation from any other person or entity, including a collateral source, for an expense that is included within the award, the attorney general may recover pursuant to section 2743.72 of

the Revised Code the part of the award that represents the expense for which the claimant received the compensation from the other person or entity.

(E) ~~An assignment or agreement to assign a right to an award of reparations is unenforceable, except that an assignment of a right to receive payment of all or any part of an award of reparations shall be enforceable and shall be honored by a single commissioner or a panel of commissioners if all of the following apply:~~

~~(1) Pursuant to this section, the claimant or the victim through whom the claimant claims an award of reparations assigns his or her right to receive payment of all or any part of an award of reparations for unreimbursed allowable expenses for products, services, or accommodations provided by the assignee or for unreimbursed funeral expense for services provided by the assignee;~~

~~(2) The unreimbursed allowable expenses for products, services, or accommodations provided by the assignee that are the subject of the assignment and that are included in an award of reparations exceed five hundred dollars, or the unreimbursed funeral expense for services provided by the assignee that is the subject of the assignment and that is included in an award of reparations exceeds five hundred dollars;~~

~~(3) The assignee delivers the assignment to the attorney general before the attorney general has submitted the attorney general's finding of fact and recommendation pursuant to section 2743.59 of the Revised Code;~~

~~(4) The assignment delivered to the attorney general appears on a separate document, the exclusive subject of which is "assignment of a right to payment of all or part of an award of reparations," and the separate document is duly signed and dated by the assignor and attested by one or more witnesses;~~

~~(5) After an investigation by the attorney general, a single commissioner or a panel of commissioners determines that the assignment is valid and that it was entered into voluntarily by all parties.~~

~~(F) For each assignment that meets the requirements of divisions (E)(1) to (5) of this section, the order granting an award of reparations shall state separately the amount of the award or any part of the award that is based upon unreimbursed allowable expenses or unreimbursed funeral expense, whichever is the subject of the assignment, and the assignment shall be recognized for only that amount. If the assignee has not cooperated in the investigation of the claim, a single commissioner or a panel of commissioners may refuse to recognize an assignment, upon good cause shown. The clerk of the court of claims shall send a copy of the order granting or denying an award to the assignee by regular mail.~~

~~If an award is limited pursuant to division (C) or (I) of section 2743.60 of the Revised Code, a single commissioner or a panel of commissioners may order that payment be made to all claimants and their assignees upon a pro rata basis. A single commissioner or a panel of commissioners may determine the terms of the award issued, including whether the award is to be paid jointly to the claimant and assignee or separately to the claimant and assignee.~~

~~The assignee shall not be considered a claimant or party in a claim for an award of reparations that is filed pursuant to this chapter. The assignee has no right to appear in any hearing before a commissioner, panel of commissioners, or judge of the court of claims or to object to or appeal any determination made by a commissioner, panel of commissioners, or judge of the court of claims. Any records of the assignee that are related to the assignment shall be preserved for five years after the assignment is delivered to the attorney general. After the assignment is executed, the assignee shall not pursue collection efforts against the assignor or the claimant who claims through the assignor until a final determination has been made by a single commissioner or a panel of commissioners in the court of claims, except to the extent that direct payment has been made to the assignor or the claimant who claims through the assignor from a collateral source.~~

~~Upon receipt of payment from any person, including a collateral source, of all or a part of the funeral expense or allowable expenses that are the subject of the assignment, the assignee immediately shall notify the attorney general of the payment. The assignee shall return any moneys already accepted from the reparations fund that represent a duplicate payment of funeral expense or allowable expenses that are the subject of the assignment. If notice of payment is received from the assignee after the attorney general has submitted the finding of fact and recommendation, the attorney general shall immediately notify the court of claims of the payment. If payment has been made from the fund to an assignee, when the attorney general receives from the assignee the notice of payment concerning payment from any person including a collateral source, the attorney general shall institute any necessary subrogation proceedings pursuant to section 2743.72 of the Revised Code.~~

~~(G)~~ If a person entitled to an award of reparations is under eighteen years of age and if the amount of the award exceeds one thousand dollars, the order providing for the payment of the award shall specify that the award be paid either to the guardian of the estate of the minor appointed pursuant to Chapter 2111. of the Revised Code or to the person or depository designated by the probate court under section 2111.05 of the Revised Code.

If a person entitled to an award of reparations is under eighteen years of age and if the amount of the award is one thousand dollars or less, the order providing for the payment of the award may specify that the award be paid to an adult member of the family of the minor who is legally responsible for the minor's care or to any other person designated by the ~~commissioner~~ attorney general or panel of commissioners issuing the decision or order.

Sec. 2743.67. The attorney general may make an emergency award if, before acting on an application for an award of reparations under this section, it appears likely that a final award will be made, and the claimant or victim will suffer undue hardship if immediate economic relief is not obtained. An emergency award shall not exceed two thousand dollars. The attorney general or the court of claims panel of commissioners shall deduct an amount of the emergency award from the final award, or the claimant or victim shall repay the amount of the emergency award that exceeds the final award made to the claimant. IF NO FINAL AWARD IS MADE, THE CLAIMANT OR VICTIM SHALL REPAY THE ENTIRE EMERGENCY AWARD.

Sec. 2743.68. A claimant may file a supplemental reparations application in a claim if ~~a commissioner,~~ the attorney general, a court of claims panel of commissioners, or judge of the court of claims ~~has~~, within five years prior to the filing of the supplemental application, has made any of the following determinations:

(A) That an award, supplemental award, or installment award be granted;

(B) That an award, supplemental award, or installment award be conditioned or denied because of actual or potential recovery from a collateral source;

(C) That an award, supplemental award, or installment award be denied because the claimant had not incurred any economic loss at that time.

Sec. 2743.69. The ~~court of claims~~ attorney general shall prepare and transmit annually to the governor ~~and the general assembly~~, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE, AND THE MINORITY LEADERS OF BOTH HOUSES a report of the activities of the ~~court of claims commissioners~~ Ohio crime victims compensation program under sections 2743.51 to 2743.72 of the Revised Code. The report shall include the number of claims filed, the number of awards made and the amount of each award, and a statistical summary of awards made and denied, including the average size of awards; the balance in the reparations fund, with a listing by source and amount of the moneys that have been deposited in the fund; the amount that has been withdrawn from the fund,

including separate listings of the administrative costs incurred by the attorney general and a court of claims panel of commissioners, ~~salaries of commissioners,~~ compensation of judges and court personnel, and the amount awarded as attorney's fees~~, and the amount withdrawn by the attorney general after certification of his costs of investigation and recommendation~~. The ~~attorney general and~~ director of budget and management shall assist the ~~court of claims~~ attorney general in the preparation of the report required by this section.

Sec. 2743.71. (A) Any law enforcement agency that investigates, and any prosecuting attorney, city director of law, village solicitor, or similar prosecuting authority who prosecutes, an offense committed in this state shall, upon first contact with the victim or ~~his~~ the victim's family or dependents, give the victim or ~~his~~ the victim's family or dependents a copy of an information card or other printed material provided by the ~~clerk of the court of claims~~ attorney general pursuant to division (B) of this section and explain, upon request, the information on the card or material to the victim or ~~his~~ the victim's family or dependents.

(B) The ~~clerk of the court of claims~~ attorney general shall have printed, and shall provide to law enforcement agencies, prosecuting attorneys, city directors of law, village solicitors, and similar prosecuting authorities, cards or other materials that contain information explaining awards of reparations. The information on the cards or other materials shall include, but shall not be limited to, the following statements:

(1) Awards of reparations are limited to losses that are caused by physical injury resulting from criminally injurious conduct;

(2) Reparations applications are required to be filed within two years after the date of the criminally injurious conduct if the victim was an adult, or within the period provided by division (C)(1) of section 2743.56 of the Revised Code if the victim of the criminally injurious conduct was a minor;

(3) An attorney who represents an applicant for an award of reparations cannot charge the applicant for the services rendered in relation to that representation but is required to apply to the ~~court of claims~~ attorney general for payment for the representation;

(4) Applications for awards of reparations may be obtained from the attorney general, law enforcement agencies, and victim assistance agencies and are to be filed with~~,~~ the ~~clerk of the court of claims or the clerk of the court of common pleas~~ attorney general.

(C) The ~~court of claims commissioners, with the approval of the~~ attorney general~~,~~ may order that a reasonable amount of money be paid out of the reparations fund, subject to the limitation imposed by division (D) of

this section, ~~to the clerk of the court of claims to be used by the clerk~~ for use by the attorney general to publicize the availability of awards of reparations.

(D) During any fiscal year ~~of the court of claims~~, the total expenditure for the printing and providing of information cards or other materials pursuant to division (B) of this section and for the publicizing of the availability of awards of reparations pursuant to division (C) of this section shall not exceed two per cent of the total of all court costs deposited, in accordance with section 2743.70 of the Revised Code, in the reparations fund during the immediately preceding fiscal year ~~of the court~~.

Sec. 2743.711. The attorney general is the legal representative of the reparations fund established by section 2743.191 of the Revised Code. The attorney general may institute, prosecute, and settle actions or proceedings for the enforcement of the reparations fund's right of repayment, reimbursement, recovery, and subrogation. The attorney general shall defend all suits, actions, or proceedings brought against the fund.

Sec. 2743.72. (A) ~~If an award of reparations is made under sections 2743.51 to 2743.71 of the Revised Code, the state, upon the payment of the award or a part of the award, is subrogated to all of the claimant's rights to receive or recover benefits or advantages for economic loss for which an award of reparations was made from a source that is a collateral source or would be a collateral source if it were readily available to the victim or claimant. The claimant may sue the offender for any damages or injuries caused by the offender's criminally injurious conduct and not compensated for by an award of reparations. The claimant may join with the attorney general as co-plaintiff in any action against the offender.~~

~~(B) If payment is made to an assignee pursuant to divisions (E) and (F) of section 2743.66 of the Revised Code as a result of the payment of an award of reparations, the state is subrogated to all of the assignee's rights to receive or recover benefits or advantages for funeral expense or allowable expenses for which a reparations payment was made, from a source that is a collateral source or would be a collateral source if it were readily available to the victim, claimant, or assignee.~~

The payment of an award of reparations from the reparations fund established by section 2743.191 of the Revised Code creates a right of reimbursement, repayment, and subrogation in favor of the reparations fund from an individual who is convicted of the offense that is the basis of the award of reparations. For purposes of establishing an individual's liability under this provision, a certified judgment of the individual's conviction together with the related indictment is admissible as evidence to prove the individual's liability.

(B) The payment of an award of reparations from the reparations fund creates a right of reimbursement, repayment, and subrogation in favor of the reparations fund from a third party who, because of an express or implied contractual or other legal relationship, had an obligation to pay any expenses for which an award of reparations was made.

(C) If an award of reparations is made to a claimant under sections 2743.51 to 2743.72 of the Revised Code and if it is discovered that the claimant actually was not eligible for the award or that the award otherwise should not have been made under the standards and criteria set forth in sections 2743.51 to 2743.72 of the Revised Code, the ~~attorney general~~ fund is entitled to recover the award from the claimant. ~~To recover the award, the attorney general may file a finding of fact and recommendation against the claimant with a court of claims commissioner. If, after filing the finding of fact and recommendation, the attorney general proves that the claimant actually was not eligible for the award or that the award otherwise should not have been made under the standards and criteria set forth in sections 2743.51 to 2743.72 of the Revised Code, the court of claims shall enter an order against the claimant that requires the claimant to repay the award to the state.~~

(D) If an award of reparations is made to a claimant under sections 2743.51 to 2743.72 of the Revised Code~~,~~ and if the claimant receives compensation from any other person or entity, including a collateral source, for an expense that is included within the award, the ~~attorney general~~ fund is entitled to recover from the claimant the part of the award that represents the expense for which the claimant received the compensation from the other person or entity. ~~To recover that part of the award, the attorney general may file a finding of fact and recommendation against the claimant with a court of claims commissioner. If, after filing the finding of fact and recommendation, the attorney general proves that the claimant received compensation from any other person or entity, including a collateral source, for an expense that was included within the award, the court of claims shall enter an order against the claimant that requires the claimant to repay to the state the part of the award that represents the expense for which the claimant received the compensation from the other person or entity.~~

(E) The reparations fund is an eligible recipient for payment of restitution.

(F) The subrogation right of the reparations fund includes the amount of an award of reparations actually paid to a claimant or to another person on the claimant's behalf and a right of prepayment for the anticipated future payment of an award of reparations to be paid by reason of criminally

injurious conduct.

(G) The subrogation right of the reparations fund is enforceable through the filing of an action in the Franklin county court of common pleas within six years of the date of the last payment of any part of an award of reparations from the fund. The time of an offender's imprisonment shall not be computed as any part of this period of limitation. This subrogation right may be established and enforced in the Franklin county court of common pleas as against the heirs and assigns of a subrogation debtor.

(H) As a prerequisite to bringing an action to recover an award related to criminally injurious conduct upon which compensation is claimed or awarded, the claimant must give the attorney general prior written notice of the proposed action. If an action is initiated prior to a claimant filing a reparations claim or supplemental reparations claim, the claimant must give the attorney general written notice of the existence of the action. After receiving either notice, the attorney general promptly shall do one of the following:

(1) Join in the action as a party plaintiff to recover any reparations awarded;

(2) Require the claimant to bring the action in the claimant's individual name as trustee on behalf of the state to recover any reparations awarded;

(3) Reserve the rights described in division (H)(1) or (2) of this section.

If, as requested by the attorney general, the claimant brings the action as trustee and the claimant recovers compensation awarded by the reparations fund, the claimant may deduct from the compensation recovered on behalf of the state the reasonable expenses including attorney's fees allocable by the court for that recovery.

(I) A claimant shall not settle or resolve any action arising out of criminally injurious conduct without written authorization from the attorney general to do so. Any attempt by a third party or an offender, or an agent, an insurer, or attorneys of third parties or offenders, to settle an action is void and shall result in no release from liability to the reparations fund.

(J) If there is more than one offender in connection with an instance of criminally injurious conduct, each offender is jointly and severally liable to pay to the reparations fund the full amount of the reparations award.

(K) The right of the reparations fund to repayment, reimbursement, and subrogation under sections 2743.711 and 2743.72 of the Revised Code is automatic, regardless of whether the reparations fund is joined as a party in an action by a claimant against an offender or third party in connection with criminally injurious conduct.

(L) The reparations fund, through the attorney general, may assert its

repayment, reimbursement, or subrogation rights through correspondence with the claimant, offender, or third party, or their legal representatives. The assertion is not to be considered the assertion of a consumer debt.

(M) The reparations fund, through the attorney general, may institute and pursue legal proceedings against an offender, third party, or overpaid claimant. In actions against an offender or third party, the claimant and victim are not necessary parties to the action.

(N) The costs and attorney's fees of the attorney general in enforcing the reparations fund's reimbursement, repayment, or subrogation rights are fully recoverable from the liable offender, third party, or overpaid claimant.

(O) All moneys that are collected by the state pursuant to its rights of subrogation as provided in ~~division (A) or (B) of~~ this section or pursuant to the attorney general's authority to recover some or all of an award of reparations that is granted pursuant to ~~division (C) or (D) of~~ this section shall be deposited in the reparations fund.

Sec. 2907.28. (A) Any cost incurred by a hospital or ~~other~~ emergency medical facility in conducting a medical examination of a victim of an offense under any provision of sections 2907.02 to 2907.06 of the Revised Code for the purpose of gathering physical evidence for a possible prosecution, including the cost of any antibiotics administered as part of the examination, shall be ~~charged to and~~ paid ~~by the appropriate local government as follows:~~

~~(1) Cost incurred by a county facility shall be charged to and paid by the county;~~

~~(2) Cost incurred by a municipal facility shall be charged to and paid by the municipal corporation;~~

~~(3) Cost incurred by a private facility shall be charged to and paid by the municipal corporation in which the alleged offense was committed, or charged to and paid by the county, if committed within an unincorporated area. If separate counts of an offense or separate offenses under any provisions of sections 2907.02 to 2907.06 of the Revised Code took place in more than one municipal corporation or more than one unincorporated area, or both, the local governments shall share the cost of the examination.~~

~~(B)~~ out of the reparations fund established pursuant to section 2743.191 of the Revised Code, subject to the following conditions:

(1) The hospital or emergency facility shall follow a protocol for conducting such medical examinations that is identified by the attorney general in rule adopted in accordance with Chapter 119. of the Revised Code.

(2) The hospital or emergency facility shall submit requests for payment

to the attorney general on a monthly basis, through a procedure determined by the attorney general and on forms approved by the attorney general. The requests shall identify the number of sexual assault examinations performed and shall verify that all required protocols were met for each examination form submitted for payment in the request.

(3) The attorney general shall review all requests for payment that are submitted under division (A)(2) of this section and shall submit for payment as described in division (A)(5) of this section all requests that meet the requirements of this section.

(4) The hospital or emergency facility shall accept a flat fee payment for conducting each examination in the amount determined by the attorney general pursuant to Chapter 119. of the Revised Code as payment in full for any cost incurred in conducting a medical examination and test of a victim of an offense under any provision of sections 2907.02 to 2907.06 of the Revised Code for the purpose of gathering physical evidence for a possible prosecution of a person. The attorney general shall determine a flat fee payment amount to be paid under this division that is reasonable.

(5) In approving a payment under this section, the attorney general shall order the payment against the state. The payment shall be accomplished only through the following procedure, and the procedure may be enforced through a mandamus action and a writ of mandamus directed to the appropriate official:

(a) The attorney general shall provide for payment in the amount set forth in the order.

(b) The expense of the payment of the amount described in this section shall be charged against all available unencumbered moneys in the reparations fund.

(B) No costs incurred by a hospital or emergency facility in conducting a medical examination and test of any victim of an offense under any provision of sections 2907.02 to 2907.06 of the Revised Code for the purpose of gathering physical evidence for a possible prosecution of a person shall be billed or charged directly or indirectly to the victim or the victim's insurer.

(C) Any cost incurred by a hospital or ~~other~~ emergency medical facility in conducting a medical examination and test of any person who is charged with a violation of division (B) of section 2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, ~~2907.12,~~ 2907.24, 2907.241, or 2907.25 of the Revised Code or with a violation of a municipal ordinance that is substantially equivalent to that division or any of those sections, pursuant to division (B) of section 2907.27 of the Revised Code, shall be charged to and

paid by the accused who undergoes the examination and test, unless the court determines that the accused is unable to pay, in which case the cost shall be charged to and paid by the municipal corporation in which the offense allegedly was committed, or charged to and paid by the county if the offense allegedly was committed within an unincorporated area. If separate counts of an alleged offense or alleged separate offenses under section 2907.02, 2907.03, 2907.04, 2907.05, ~~2907.12,~~ 2907.24, 2907.241, or 2907.25 of the Revised Code or under a municipal ordinance that is substantially equivalent to any of those sections took place in more than one municipal corporation or more than one unincorporated area, or both, the local governments shall share the cost of the examination and test. If a hospital or other emergency medical facility has submitted charges for the cost of a medical examination and test to an accused and has been unable to collect payment for the charges after making good faith attempts to collect for a period of six months or more, the cost shall be charged to and paid by the appropriate municipal corporation or county as specified in division ~~(B)~~(C) of this section.

SECTION 2. That existing sections 109.92, 2743.09, 2743.121, 2743.191, 2743.51, 2743.52, 2743.53, 2743.54, 2743.55, 2743.56, 2743.58, 2743.59, 2743.60, 2743.61, 2743.62, 2743.63, 2743.64, 2743.65, 2743.66, 2743.68, 2743.69, 2743.71, 2743.72, and 2907.28 and sections 2743.57 and 2743.67 of the Revised Code are hereby repealed.

SECTION 3. For purposes of an application for an award of reparations under sections 2743.51 to 2743.72 of the Revised Code, any issues concerning participation in the program, eligibility for benefits, and exclusionary conditions shall be determined under the version of those sections in effect at the time of the criminally injurious conduct.

If the Attorney General has filed a finding of fact and recommendation with respect to a claim in accordance with section 2743.59 of the Revised Code prior to the effective date of this section, the claim shall be determined procedurally in accordance with the law in effect at the time of the filing of the finding of fact and recommendation. If the Attorney General has not filed a finding of fact and recommendation with respect to a claim in accordance with section 2743.59 of the Revised Code prior to the effective date of this section, the claim shall be determined procedurally in accordance with the provisions of this act. Notwithstanding section 2743.531 of the Revised Code, the Court of Claims Victims of Crime Fund

may be used to pay reparations awards with respect to claims for which the Attorney General has filed a finding of fact and recommendation prior to the effective date of this section.

Attorney's fees incurred on an application or supplemental application for an award of reparations under sections 2743.51 to 2743.72 of the Revised Code filed prior to the effective date of this section shall be determined in accordance with the law in effect at the time of filing of the application, and attorney's fees incurred on an application or supplemental application filed on or after the effective date of this section shall be determined in accordance with the provisions of this act.

SECTION 4. Sections 1, 2, 3, and 10 of this act, and the items of law of which those sections are composed, are subject to the referendum and shall take effect on the later of July 1, 2000, or the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any of those sections or against any item of law contained within those sections, the section or item of law, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 5. Notwithstanding any other provision of law to the contrary, the Director of Budget and Management shall transfer $1,000,000 cash in fiscal year 2000 from the Reparations Fund (Fund 402) to the Sexual Assault Prevention and Intervention Fund (Fund 5K4) in the Department of Health no later than 15 days after the effective date of this act.

Notwithstanding any other provision of law to the contrary, the Director of Budget and Management shall transfer $1,500,000 cash in fiscal year 2001 from the Reparations Fund (Fund 402) to the Sexual Assault Prevention and Intervention Fund (Fund 5K4) in the Department of Health no later than July 15, 2000.

SECTION 6. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the General Operations Fund created by section 3701.83 of the Revised Code. For all appropriations made in this act, those in the first column are for fiscal year 2000 and those in the second column are for fiscal year 2001. The appropriations made in this act are in addition to any other appropriations made for the 1999-2001 biennium.

DOH DEPARTMENT OF HEALTH

State Special Revenue Fund Group

5K4	440-617	Sexual Assault Prevention and Intervention	$ 1,000,000	$ 1,500,000
TOTAL SSR State Special Revenue Fund Group			$ 1,000,000	$ 1,500,000
TOTAL ALL BUDGET FUND GROUPS			$ 1,000,000	$ 1,500,000

Sexual Assault Prevention and Intervention

Of the foregoing appropriation item 440-617, Sexual Assault Prevention and Intervention, $1,000,000 in fiscal year 2000 and $1,500,000 in fiscal year 2001 shall be used for the following purposes:

(A) Funding of new services in counties with no services for sexual assault;

(B) Expansion of services in currently funded projects so that comprehensive crisis intervention and prevention services are offered;

(C) Start-up funding for Sexual Assault Nurse Examiner (SANE) projects; and

(D) Statewide expansion of local outreach and public awareness efforts.

The Director of Budget and Management may use the authority granted pursuant to section 126.15 of the Revised Code to make adjustments to the operating budget that the Director determines to be necessary as a result of this act. Expenditures from appropriations contained in this act shall be accounted for as though made in Am. Sub. H.B. 283 of the 123rd General Assembly.

The appropriations made in this act are subject to all provisions of Am. Sub. H.B. 283 of the 123rd General Assembly that are generally applicable to such appropriations.

SECTION 7. That Sections 21 and 33 of Am. Sub. H.B. 283 of the 123rd General Assembly be amended to read as follows:

" Sec. 21. AGO ATTORNEY GENERAL

General Revenue Fund

GRF	055-321	Operating Expenses	$ 56,367,407	$ 60,440,184
GRF	055-405	Law-Related Education	$ 190,164	$ 195,489
GRF	055-411	County Sheriffs	$ 590,612	$ 607,149
GRF	055-415	County Prosecutors	$ 495,027	$ 508,888
TOTAL GRF General Revenue Fund			$ 57,643,210	$ 61,751,710

General Services Fund Group

106	055-612	General Reimbursement	$ 12,452,999	$ 12,810,180
107	055-624	Employment Services	$ 1,064,659	$ 1,116,469
195	055-660	Workers' Compensation Section	$ 6,646,301	$ 6,794,833
4Y7	055-608	Title Defect Rescission	$ 785,800	$ 807,141
4Z2	055-609	BCI Asset Forfeiture and Cost Reimbursement	$ 308,400	$ 317,035

418	055-615	Charitable Foundations	$	1,460,757	$	1,498,158
420	055-603	Attorney General Antitrust	$	420,108	$	426,184
421	055-617	Police Officers' Training Academy Fee	$	1,035,353	$	1,062,272
5A9	055-618	Telemarketing Fraud Enforcement	$	50,000	$	50,000
590	055-633	Peace Officer Private Security Fund	$	85,962	$	90,790
629	055-636	Corrupt Activity Investigation and Prosecution	$	100,503	$	103,317
631	055-637	Consumer Protection Enforcement	$	1,090,936	$	1,103,555
TOTAL GSF General Services Fund Group			$	25,501,778	$	26,179,934
Federal Special Revenue Fund Group						
3E5	055-638	Anti-Drug Abuse	$	2,650,000	$	2,650,000
3R6	055-613	Attorney General Federal Funds	$	1,000,000	$	1,000,000
306	055-620	Medicaid Fraud Control	$	2,515,772	$	2,515,772
381	055-611	Civil Rights Legal Service	$	315,329	$	315,329
383	055-634	Crime Victims Assistance	$	8,000,000	$	6,500,000
TOTAL FED Federal Special Revenue Fund Group			$	14,481,101	$	12,981,101
State Special Revenue Fund Group						
108	055-622	Crime Victims Compensation	$	4,039,318	$	~~4,142,419~~ 0
176	055-625	Victims Assistance Office	$	374,768	$	~~384,353~~ 0
177	055-626	Victims Assistance Programs	$	1,745,612	$	~~1,794,489~~ 0
4L6	055-606	DARE	$	3,738,067	$	3,744,361
402	055-616	Victims of Crime	$	0	$	24,186,406
417	055-621	Domestic Violence Shelter	$	13,458	$	13,835
419	055-623	Claims Section	$	16,740,686	$	17,177,546
659	055-641	Solid and Hazardous Waste Background Investigations	$	756,162	$	775,535
TOTAL SSR State Special Revenue Fund Group			$	27,408,071	$	~~28,032,538~~ 45,897,683
Holding Account Redistribution Fund Group						
R03	055-629	Bingo License Refunds	$	5,200	$	5,200
R04	055-631	General Holding Account	$	75,000	$	75,000
R05	055-632	Antitrust Settlements	$	10,400	$	10,400
R18	055-630	Consumer Frauds	$	750,000	$	750,000
R42	055-601	Organized Crime Commission Account	$	200,000	$	200,000
TOTAL 090 Holding Account Redistribution Fund Group			$	1,040,600	$	1,040,600
TOTAL ALL BUDGET FUND GROUPS			$	126,074,760	$	~~129,985,883~~ 147,851,028

Law-Related Education

The foregoing appropriation item 055-405, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students and accessing additional public and private money for new programs.

Workers' Compensation Section

The Workers' Compensation Section Fund (Fund 195) shall receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. Such advance payment shall be subject to adjustment.

In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

Corrupt Activity Investigation and Prosecution

The foregoing appropriation item 055-636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in division (D)(1)(b) of section 2923.35 of the Revised Code. If it is determined that additional amounts are necessary, the amounts are hereby appropriated.

Community Police Match and Law Enforcement Assistance

In fiscal years 2000 and 2001, the Attorney General's Office may request the Director of Budget and Management to, and the Director of Budget and Management shall, establish GRF appropriation item 055-406, Community Police Match and Law Enforcement Assistance. The Director of Budget and Management shall then transfer appropriation authority from appropriation item 055-321, Operating Expenses, to appropriation item 055-406, Community Police Match and Law Enforcement Assistance. Moneys transferred to appropriation item 055-406 shall be used to pay operating expenses and to provide grants to local law enforcement agencies and communities for the purpose of supporting law enforcement-related activities.

Sec. 33. CLA COURT OF CLAIMS

General Revenue Fund

GRF	015-321	Operating Expenses	$	2,779,752	$ 2,872,612
TOTAL GRF General Revenue Fund			$	2,779,752	$ 2,872,612

State Special Revenue Fund Group					
402	015-601	Victims of Crime	$ 22,086,768	$	~~22,925,167~~ 0
5K2	015-603	CLA Victims of Crime	$ 0	$	10,738,989
TOTAL SSR State Special Revenue Fund Group			$ 22,086,768	$	~~22,925,167~~ 10,738,989
TOTAL ALL BUDGET FUND GROUPS			$ 24,866,520	$	~~25,797,779~~ 13,611,601"

SECTION 8. That existing Sections 21 and 33 of Am. Sub. H.B. 283 of the 123rd General Assembly are hereby repealed.

SECTION 9. Sections 4, 5, 6, 7, 8, and 9 of this act, and the items of law of which those sections are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, those sections and the items of law of which those sections are composed go into immediate effect when this act becomes law.

SECTION 10. (A) During the period beginning on the effective date of this section and ending one year thereafter, the Attorney General shall accept applications for reparations under sections 2743.51 to 2743.72 of the Revised Code for either of the following:

(1) Economic loss arising from criminally injurious conduct that occurred before January 3, 1976 and was at least a felony of the first degree;

(2) Economic loss arising from criminally injurious conduct that occurred on or after January 3, 1976 and was at least a felony of the first degree, where the economic loss was not compensable under sections 2743.51 to 2743.72 of the Revised Code at the time it arose but is compensable under those sections on and after the effective date of this section.

(B) The Attorney General, a Court of Claims Panel of Commissioners, or a Judge of the Court of Claims may make an award of reparations with respect to an application filed under this section, provided that the total amount of awards made under this section shall not exceed five hundred thousand dollars. Applications for such awards shall be considered in the order they are received. The amount of any such award shall be determined under sections 2743.51 to 2743.72 of the Revised Code as those sections exist on the effective date of this section.

(C) An individual who received compensation under former sections

2743.31 to 2743.35 of the Revised Code is not eligible for an award under this section with respect to the criminally injurious conduct for which that compensation was received.

(D) If the total amount of all qualified claims under this section exceeds $500,000, then the award made to each claimant shall be reduced proportionately by multiplying the claim by the ratio of $500,000 divided by the total of all qualified claims.

_____

Speaker _____ of the House of Representatives.

_____

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

_____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

_____

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

_____

Secretary of State.

File No. _____ Effective Date _____