(123rd General Assembly)
(Amended Senate Bill Number 51)

AN ACT

To amend sections 2307.70 and 2927.11 of the Revised Code to increase the penalties for desecration that involves a place of worship, to expand the offense of desecration to include desecration of religious artifacts or sacred texts within the grounds upon which the place of worship is located, and to increase to $15,000 the maximum compensatory damages recoverable from a minor's parent in a civil action based upon the minor's acts constituting any form of desecration, vandalism, or ethnic intimidation.

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

SECTION 1. That sections 2307.70 and 2927.11 of the Revised Code be amended to read as follows:

Sec. 2307.70. (A) Any person who suffers injury or loss to person or property as a result of an act committed in violation of section 2909.05, 2927.11, or 2927.12 of the Revised Code has a civil action against the offender and may recover in that action full compensatory damages, including, but not limited to, ~~punitive damages and~~ damages for emotional distress, ~~the~~ and may recover punitive or exemplary damages, court costs, other reasonable ~~costs of~~ expenses incurred in maintaining ~~the civil~~ that action, and the reasonable attorney's fees incurred in maintaining that action.

(B)(1) Any person who suffers injury or loss to person or property as a result of an act committed in violation of section 2909.05, 2927.11, or 2927.12 of the Revised Code by ~~an unmarried~~ a minor child ~~under the age of eighteen~~ has a civil action against the ~~parents who have parental rights and responsibilities for the care of the child and are the residential parents and legal custodians~~ parent of the minor child~~,~~ and may recover in that action compensatory damages~~,~~ not to exceed fifteen thousand dollars, court costs, other reasonable expenses incurred in maintaining that action, and reasonable attorney's fees~~, which damages, costs, and fees in the aggregate~~

~~shall not exceed five thousand dollars~~ incurred in maintaining that action ~~The parents~~ A parent and ~~their~~ the parent's minor child are jointly and severally liable ~~for any damages~~ as specified in this division for the injury or loss to person or property caused by the minor child's act committed in violation of section 2909.05, 2927.11, or 2927.12 of the Revised Code. If a person recovers compensatory damages from ~~the parents of~~ a parent of a minor child pursuant to this division, that recovery does not preclude the person from maintaining a civil action against the minor child pursuant to division (A) of this section.

(2) as used in division (b) of this section:

(a) "minor child" means a person who is under eighteen years of age and who is not married at the time of the commission of an act in violation of section 2909.05, 2927.11, or 2927.12 of the Revised Code that gives rise to a civil action under division (b) of this section.

(b) "parent" has the same meaning as in section 3109.09 of the Revised Code.

(C) The monetary limitation upon compensatory damages set forth in section 3109.09 or 3109.10 of the Revised Code does not apply to a civil action brought pursuant to division (A) or (B) of this section.

(D) A civil action may be maintained under division (a) or (b) of this section whether or not the person who committed an act in violation of section 2909.05, 2927.11, or 2927.12 of the Revised Code has been charged by an indictment, information, or complaint with a violation of any of those sections, has been convicted of or pleaded guilty to a violation of any of those sections, has been charged by a complaint with being a delinquent child for committing an act that is a violation of any of those sections, or has been adjudicated a delinquent child for having committed an act of that nature.

(E) No record of conviction, unless obtained by confession in open court, or delinquent child adjudication shall be used as evidence in a civil action brought pursuant to division (A) or (B) of this section.

Sec. 2927.11. (A) No person, without privilege to do so, shall purposely deface, damage, pollute, or otherwise physically mistreat any of the following:

(1) The flag of the United States or of this state;

(2) Any public monument;

(3) Any historical or commemorative marker, or any structure, Indian mound or earthwork, cemetery, thing, or site of great historical or archaeological interest;

(4) A place of worship, its furnishings, or religious artifacts or sacred

texts within the place of worship or within the grounds upon which the place of worship is located;

(5) A work of art or museum piece;

(6) Any other object of reverence or sacred devotion.

(B) Whoever violates this section is guilty of desecration. ~~Violation~~ A violation of division (A)(1), (2), (3), (5), or (6) of this section is a misdemeanor of the second degree. ~~Violation~~ Except as otherwise provided in this division, a violation of division (A)(4) of this section is a ~~misdemeanor~~ felony of the ~~first~~ fifth degree that is punishable by a fine of up to ~~four~~ two thousand five hundred dollars in addition to the penalties specified for a ~~misdemeanor~~ felony of the ~~first~~ fifth degree in ~~section 2929.21~~ sections 2929.13 to 2929.18 of the Revised Code. If the value of the property or the amount of physical harm involved in a violation of division (a)(4) of this section is five thousand dollars or more but less than one hundred thousand dollars, a violation of that division is a felony of the fourth degree. if the value of the property or the amount of physical harm involved in a violation of division (a)(4) of this section is one hundred thousand dollars or more, a violation of that division is a felony of the third degree.

(C) As used in this section, "cemetery" means any place of burial and includes burial sites that contain American Indian burial objects placed with or containing American Indian human remains.

SECTION 2. That existing sections 2307.70 and 2927.11 of the Revised Code are hereby repealed.

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Speaker _____ *of the House of Representatives.*

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President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

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Governor.

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

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Director, Legislative Service Commission.

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

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Secretary of State.

File No. _____ Effective Date _____