

As Reported by the House Civil Justice Committee

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 281

Representatives Seitz, Young, T.

Cosponsors: Representatives Carruthers, Williams, Dean, Stewart, Hall

A BILL

To amend sections 102.04 and 2307.60 of the Revised Code to require in a civil action for damages caused by another person's criminal act that, with exceptions, such other person was convicted of, pleaded guilty to, or adjudicated delinquent in connection with the criminal act and to permit a public official to receive compensation for services rendered before a board of elections.

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

Section 1. That sections 102.04 and 2307.60 of the Revised Code be amended to read as follows:

Sec. 102.04. (A) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which ~~he~~the official or employee serves for any

service rendered or to be rendered by ~~him~~the official or 19
employee personally in any case, proceeding, application, or 20
other matter that is before the general assembly or any 21
department, division, institution, instrumentality, board, 22
commission, or bureau of the state, excluding the courts and 23
boards of elections. 24

(B) Except as provided in division (D) of this section, no 25
person elected or appointed to an office of or employed by the 26
general assembly or any department, division, institution, 27
instrumentality, board, commission, or bureau of the state, 28
excluding the courts, shall sell or agree to sell, except 29
through competitive bidding, any goods or services to the 30
general assembly or any department, division, institution, 31
instrumentality, board, commission, or bureau of the state, 32
excluding the courts and boards of elections. 33

(C) Except as provided in division (D) of this section, no 34
person who is elected or appointed to an office of or employed 35
by a county, township, municipal corporation, or any other 36
governmental entity, excluding the courts, shall receive or 37
agree to receive directly or indirectly compensation other than 38
from the agency with which ~~he~~the official or employee serves for 39
any service rendered or to be rendered by ~~him~~the official or 40
employee personally in any case, proceeding, application, or 41
other matter which is before any agency, department, board, 42
bureau, commission, or other instrumentality, excluding the 43
courts and boards of elections, of the entity of which ~~he~~the 44
individual is an officer or employee. 45

(D) A public official who is appointed to a nonelective 46
office or a public employee shall be exempted from division (A), 47
(B), or (C) of this section if both of the following apply: 48

(1) The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of ~~his~~the official's or employee's services is pending, is an agency other than the one with which ~~he~~the official or employee serves;

(2) Prior to rendering the personal services or selling or agreeing to sell the goods or services, ~~he~~the official or employee files a statement with the appropriate ethics commission, with the public agency with which ~~he~~the official or employee serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which ~~he~~the official or employee serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the public official's or employee's declaration that ~~he~~the public official or employee disqualifies ~~himself~~self for a period of two years from any participation as such public official or employee in any matter involving any public official or employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending or to which the goods or services were to be sold. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a

calendar year. 80

(E) No public official or employee who files a statement 81
or is required to file a statement under division (D) of this 82
section shall knowingly fail to disqualify ~~himself~~~~self~~ from any 83
participation as a public official or employee of the agency 84
with which ~~he~~the official or employee serves in any matter 85
involving any official or employee of an agency before which a 86
matter for which ~~he~~the official or employee rendered personal 87
services was pending or of a public agency that purchased or 88
agreed to purchase goods or services. 89

(F) This section shall not be construed to prohibit the 90
performance of ministerial functions including, but not limited 91
to, the filing, or amendment of tax returns, applications for 92
permits and licenses, incorporation papers, and other documents. 93

Sec. 2307.60. (A) ~~(1) Anyone~~ Subject to division (B) of 94
this section, anyone injured in person or property by a criminal 95
act committed by a person who previously has been convicted of, 96
or pleaded guilty to, the offense charged for such criminal act, 97
or previously has been adjudicated a delinquent child in 98
connection with the criminal act, in a final, unappealable order 99
~~has, and may recover full damages in, a civil action unless~~ 100
~~specifically excepted by law, may recover the costs.~~ 101

(B) Anyone injured in person or property by a criminal act 102
that constitutes a violation of section 2903.15, 2903.21, 103
2903.211, 2903.22, 2905.32, 2907.04, 2907.05, 2907.06, 2907.07, 104
2907.08, 2907.21, 2919.22, 2919.25, 2919.27, 2921.04, or 2921.11 105
of the Revised Code may recover full damages in a civil action 106
unless specifically excepted by law, regardless of whether the 107
person who committed that criminal act has been charged with, 108
convicted of, or pleaded guilty to committing, an offense in 109

connection with such criminal act, or has been adjudicated a 110
delinquent child in connection with the criminal act. 111

(C) Nothing in this section impairs the ability of any 112
person against whom a violation of section 2921.03 or 2921.13 of 113
the Revised Code is committed to bring a civil action for 114
damages under either section as applicable. 115

(D) The injured person under division (A) or (B) of this 116
section additionally may recover the following costs: 117

(1) The costs of maintaining the civil action and 118
attorney's fees if authorized by any provision of the Rules of 119
Civil Procedure or another section of the Revised Code or under 120
the common law of this state, ~~and may recover punitive;~~ 121

(2) Punitive or exemplary damages if authorized by section 122
2315.21 or another section of the Revised Code. 123

~~(2)~~ (E) A final judgment of a trial court that has not been 124
reversed on appeal or otherwise set aside, nullified, or 125
vacated, entered after a trial or upon a plea of guilty, but not 126
upon a plea of no contest or the equivalent plea from another 127
jurisdiction, that adjudges an offender guilty of an offense of 128
violence punishable by death or imprisonment in excess of one 129
year, when entered as evidence in any subsequent civil 130
proceeding based on the criminal act, shall preclude the 131
offender from denying in the subsequent civil proceeding any 132
fact essential to sustaining that judgment, unless the offender 133
can demonstrate that extraordinary circumstances prevented the 134
offender from having a full and fair opportunity to litigate the 135
issue in the criminal proceeding or other extraordinary 136
circumstances justify affording the offender an opportunity to 137
relitigate the issue. The offender may introduce evidence of the 138

offender's pending appeal of the final judgment of the trial 139
court, if applicable, and the court may consider that evidence 140
in determining the liability of the offender. 141

(F) The time during which the prosecution for the offense 142
charged for the criminal act as specified in division (A) (1) of 143
this section is pending or the time during which the proceeding 144
to adjudicate a delinquent child in connection with the criminal 145
act specified in that division is pending shall not be computed 146
as any part of the period within which the civil action must be 147
brought under division (A) (1) of this section. 148

~~(B) (1)~~ (G) (1) As used in division ~~(B)~~ (G) of this section: 149

(a) "Tort action" means a civil action for damages for 150
injury, death, or loss to person or property other than a civil 151
action for damages for a breach of contract or another agreement 152
between persons. "Tort action" includes, but is not limited to, 153
a product liability claim, as defined in section 2307.71 of the 154
Revised Code, and an asbestos claim, as defined in section 155
2307.91 of the Revised Code, an action for wrongful death under 156
Chapter 2125. of the Revised Code, and an action based on 157
derivative claims for relief. 158

(b) "Residence" has the same meaning as in section 2901.05 159
of the Revised Code. 160

(2) Recovery on a claim for relief in a tort action is 161
barred to any person or the person's legal representative if any 162
of the following apply: 163

(a) The person has been convicted of or has pleaded guilty 164
to a felony, or to a misdemeanor that is an offense of violence, 165
arising out of criminal conduct that was a proximate cause of 166
the injury or loss for which relief is claimed in the tort 167

action. 168

(b) The person engaged in conduct that, if prosecuted, 169
would constitute a felony, a misdemeanor that is an offense of 170
violence, an attempt to commit a felony, or an attempt to commit 171
a misdemeanor that is an offense of violence and that conduct 172
was a proximate cause of the injury or loss for which relief is 173
claimed in the tort action, regardless of whether the person has 174
been convicted of or pleaded guilty to or has been charged with 175
committing the felony, the misdemeanor, or the attempt to commit 176
the felony or misdemeanor. 177

(c) The person suffered the injury or loss for which 178
relief is claimed in the tort action as a proximate result of 179
the victim of conduct that, if prosecuted, would constitute a 180
felony, a misdemeanor that is an offense of violence, an attempt 181
to commit a felony, or an attempt to commit a misdemeanor that 182
is an offense of violence acting against the person in self- 183
defense, defense of another, or defense of the victim's 184
residence, regardless of whether the person has been convicted 185
of or pleaded guilty to or has been charged with committing the 186
felony, the misdemeanor, or the attempt to commit the felony or 187
misdemeanor. Division ~~(B) (2) (e)~~ (G) (2) (c) of this section does 188
not apply if the person who suffered the injury or loss, at the 189
time of the victim's act of self-defense, defense of another, or 190
defense of residence, was an innocent bystander who had no 191
connection with the underlying conduct that prompted the 192
victim's exercise of self-defense, defense of another, or 193
defense of residence. 194

(3) Recovery against a victim of conduct that, if 195
prosecuted, would constitute a felony, a misdemeanor that is an 196
offense of violence, an attempt to commit a felony, or an 197

attempt to commit a misdemeanor that is an offense of violence, 198
on a claim for relief in a tort action is barred to any person 199
or the person's legal representative if conduct the person 200
engaged in against that victim was a proximate cause of the 201
injury or loss for which relief is claimed in the tort action 202
and that conduct, if prosecuted, would constitute a felony, a 203
misdemeanor that is an offense of violence, an attempt to commit 204
a felony, or an attempt to commit a misdemeanor that is an 205
offense of violence, regardless of whether the person has been 206
convicted of or pleaded guilty to or has been charged with 207
committing the felony, the misdemeanor, or the attempt to commit 208
the felony or misdemeanor. 209

(4) Divisions ~~(B)(1)~~(G)(1) to (3) of this section do not 210
apply to civil claims based upon alleged intentionally tortious 211
conduct, alleged violations of the United States Constitution, 212
or alleged violations of statutes of the United States 213
pertaining to civil rights. For purposes of division ~~(B)(4)~~(G) 214
(4) of this section, a person's act of self-defense, defense of 215
another, or defense of the person's residence does not 216
constitute intentionally tortious conduct. 217

Section 2. That existing sections 102.04 and 2307.60 of 218
the Revised Code are hereby repealed. 219