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Representatives Lear, Lorenz

Cosponsors: Representatives Brennan, Johnson, Williams, Click, Robb Blasdel, Richardson, Dean, Abrams, LaRe, Miller, K., Abdullahi, Barhorst, Bird, Blackshear, Brent, Brewer, Brown, Callender, Carruthers, Claggett, Cross, Cutrona, Daniels, Dell'Aquila, Demetriou, Denson, Dobos, Edwards, Forhan, Fowler Arthur, Gross, Hall, Hillyer, Hoops, Jarrells, John, Jones, Kick, King, Lampton, Lipps, Liston, Loychik, Mathews, Miller, A., Miller, M., Mohamed, Patton, Pavliga, Peterson, Piccolantonio, Plummer, Ray, Rogers, Schmidt, Sims, Somani, Stein, Swearingen, Sweeney, Upchurch, White, Whitted, Young, T.

A BILL

To amend sections 2137.15, 2743.51, 2743.56, 1
2743.60, 2743.71, and 2905.11 and to enact 2
section 2905.111 of the Revised Code to enact 3
Braden's Law to prohibit sexual extortion and 4
aggravated sexual extortion and to allow family 5
of certain victims of aggravated sexual 6
extortion to receive compensation from the crime 7
victims compensation fund. 8

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

Section 1. That sections 2137.15, 2743.51, 2743.56, 9
2743.60, 2743.71, and 2905.11 be amended and section 2905.111 of 10
the Revised Code be enacted to read as follows: 11

Sec. 2137.15. (A) Not later than sixty days after receipt 12
of the information required under sections 2137.06 to 2137.13 of 13

the Revised Code, a custodian shall comply with a request under 14
this chapter from a fiduciary or designated recipient to 15
disclose digital assets or terminate an account. If the 16
custodian fails to comply, the fiduciary or designated recipient 17
may apply to the court for an order directing compliance. If the 18
deceased user was less than eighteen years of age at the time of 19
death and the request under this chapter was initiated by a 20
parent or legal guardian of that deceased user, the court shall 21
determine and adjudicate the application for a court order 22
within thirty days after submission. 23

(B) An order under division (A) of this section directing 24
compliance shall contain a finding that compliance is not in 25
violation of 18 U.S.C. 2702, as amended. 26

(C) A custodian may notify the user that a request for 27
disclosure or to terminate an account was made under this 28
chapter. 29

(D) A custodian may deny a request under this chapter from 30
a fiduciary or designated recipient for disclosure of digital 31
assets or to terminate an account if the custodian is aware of 32
any lawful access to the account following the receipt of the 33
fiduciary's request. 34

(E) Nothing in this chapter limits a custodian's ability 35
to obtain, or to require a guardian, agent, or designated 36
recipient requesting disclosure or termination under this 37
chapter to obtain, a court order that does all of the following: 38

(1) Specifies that an account belongs to the ward or 39
principal; 40

(2) Specifies that there is sufficient consent from the 41
ward or principal to support the requested disclosure; and 42

(3) Contains a finding required by law other than this chapter. 43
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(F) ~~A~~ If a court finds that a custodian failed to comply with a court order issued under division (A) of this section, the court shall impose a civil penalty on the custodian as follows: 45
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(1) Up to one thousand dollars for each of the first sixty days the operator failed to comply with the order; 49
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(2) In addition to the civil penalty required by division (F) (1) of this section, up to five thousand dollars for each subsequent day the operator failed to comply with the order, commencing with the sixty-first day and ending with the ninetieth day; 51
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(3) In addition to the civil penalties required by divisions (F) (1) and (2) of this section, up to ten thousand dollars for each subsequent day the operator failed to comply with the order, commencing with the ninety-first day. 56
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(G) Any civil penalty that is imposed under division (F) of this section shall be deposited into the consumer protection enforcement fund created under section 1345.51 of the Revised Code. 60
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(H) Except as otherwise provided under division (F) of this section, a custodian and its officers, employees, and agents are immune from liability for an act or omission done in good faith in compliance with this chapter. 64
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Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the Revised Code: 68
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(A) "Claimant" means both of the following categories of 70

persons:	71
(1) Any of the following persons who claim an award of	72
reparations under sections 2743.51 to 2743.72 of the Revised	73
Code:	74
(a) A victim who was one of the following at the time of	75
the criminally injurious conduct:	76
(i) A resident of the United States;	77
(ii) A resident of a foreign country the laws of which	78
permit residents of this state to recover compensation as	79
victims of offenses committed in that country.	80
(b) A dependent of a deceased victim who is described in	81
division (A) (1) (a) of this section;	82
(c) A third person, other than a collateral source, who	83
legally assumes or voluntarily pays the obligations of a victim,	84
or of a dependent of a victim, who is described in division (A)	85
(1) (a) of this section, which obligations are incurred as a	86
result of the criminally injurious conduct that is the subject	87
of the claim and may include, but are not limited to, medical or	88
burial expenses;	89
(d) A person who is authorized to act on behalf of any	90
person who is described in division (A) (1) (a), (b), or (c) of	91
this section;	92
(e) The estate of a deceased victim who is described in	93
division (A) (1) (a) of this section.	94
(2) Any of the following persons who claim an award of	95
reparations under sections 2743.51 to 2743.72 of the Revised	96
Code:	97

(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:	98 99 100 101
(i) Had a permanent place of employment in this state;	102
(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;	103 104 105 106
(iii) Was retired and receiving social security or any other retirement income;	107 108
(iv) Was sixty years of age or older;	109
(v) Was temporarily in another state for the purpose of receiving medical treatment;	110 111
(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;	112 113 114 115
(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;	116 117 118 119 120
(viii) Was a full-time student at an academic institution, college, or university located in another state;	121 122
(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	123 124 125

permanent place of residence in another state.	126
(b) A dependent of a deceased victim who is described in division (A) (2) (a) of this section;	127 128
(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;	129 130 131 132 133 134 135
(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;	136 137 138
(e) The estate of a deceased victim who is described in division (A) (2) (a) of this section.	139 140
(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:	141 142 143 144
(1) The offender;	145
(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;	146 147 148 149 150
(3) Social security, medicare, and medicaid;	151
(4) State-required, temporary, nonoccupational disability insurance;	152 153

(5) Workers' compensation;	154
(6) Wage continuation programs of any employer;	155
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	156 157 158
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	159 160
(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;	161 162 163
(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.	164 165 166 167
"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 or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code.	168 169 170 171 172
(C) "Criminally injurious conduct" means one of the following:	173 174
(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	175 176 177 178 179 180 181

include conduct arising out of the ownership, maintenance, or	182
use of a motor vehicle, except when any of the following	183
applies:	184
(a) The person engaging in the conduct intended to cause	185
personal injury or death;	186
(b) The person engaging in the conduct was using the	187
vehicle to flee immediately after committing a felony or an act	188
that would constitute a felony but for the fact that the person	189
engaging in the conduct lacked the capacity to commit the felony	190
under the laws of this state;	191
(c) The person engaging in the conduct was using the	192
vehicle in a manner that constitutes an OVI violation;	193
(d) The conduct occurred on or after July 25, 1990, and	194
the person engaging in the conduct was using the vehicle in a	195
manner that constitutes a violation of section 2903.08 of the	196
Revised Code;	197
(e) The person engaging in the conduct acted in a manner	198
that caused serious physical harm to a person and that	199
constituted a violation of section 4549.02 or 4549.021 of the	200
Revised Code.	201
(2) For the purposes of any person described in division	202
(A) (2) of this section, any conduct that occurs or is attempted	203
in another state, district, territory, or foreign country; poses	204
a substantial threat of personal injury or death; and is	205
punishable by fine, imprisonment, or death, or would be so	206
punishable but for the fact that the person engaging in the	207
conduct lacked capacity to commit the crime under the laws of	208
the state, district, territory, or foreign country in which the	209
conduct occurred or was attempted. Criminally injurious conduct	210

does not include conduct arising out of the ownership, 211
maintenance, or use of a motor vehicle, except when any of the 212
following applies: 213

(a) The person engaging in the conduct intended to cause 214
personal injury or death; 215

(b) The person engaging in the conduct was using the 216
vehicle to flee immediately after committing a felony or an act 217
that would constitute a felony but for the fact that the person 218
engaging in the conduct lacked the capacity to commit the felony 219
under the laws of the state, district, territory, or foreign 220
country in which the conduct occurred or was attempted; 221

(c) The person engaging in the conduct was using the 222
vehicle in a manner that constitutes an OVI violation; 223

(d) The conduct occurred on or after July 25, 1990, the 224
person engaging in the conduct was using the vehicle in a manner 225
that constitutes a violation of any law of the state, district, 226
territory, or foreign country in which the conduct occurred, and 227
that law is substantially similar to a violation of section 228
2903.08 of the Revised Code; 229

(e) The person engaging in the conduct acted in a manner 230
that caused serious physical harm to a person and that 231
constituted a violation of any law of the state, district, 232
territory, or foreign country in which the conduct occurred, and 233
that law is substantially similar to section 4549.02 or 4549.021 234
of the Revised Code. 235

(3) For the purposes of any person described in division 236
(A) (1) or (2) of this section, ~~terrorism~~ either of the 237
following: 238

(a) Terrorism that occurs within or outside the 239

territorial jurisdiction of the United States;	240
<u>(b) Aggravated sexual extortion within or outside the</u>	241
<u>territorial jurisdiction of the United States that results in</u>	242
<u>the death of a person who was the target of the activity.</u>	243
(D) "Dependent" means an individual wholly or partially	244
dependent upon the victim for care and support, and includes a	245
child of the victim born after the victim's death.	246
(E) "Economic loss" means economic detriment consisting	247
only of allowable expense, work loss, funeral expense,	248
unemployment benefits loss, replacement services loss, cost of	249
crime scene cleanup, and cost of evidence replacement. If	250
criminally injurious conduct causes death, economic loss	251
includes a dependent's economic loss and a dependent's	252
replacement services loss. Noneconomic detriment is not economic	253
loss; however, economic loss may be caused by pain and suffering	254
or physical impairment.	255
(F) (1) For a victim described in division (L) (1) of this	256
section, "allowable expense" means reasonable charges incurred	257
for reasonably needed products, services, and accommodations,	258
including those for medical care, rehabilitation, rehabilitative	259
occupational training, and other remedial treatment and care and	260
including replacement costs for hearing aids; dentures,	261
retainers, and other dental appliances; canes, walkers, and	262
other mobility tools; and eyeglasses and other corrective	263
lenses. It does not include that portion of a charge for a room	264
in a hospital, clinic, convalescent home, nursing home, or any	265
other institution engaged in providing nursing care and related	266
services in excess of a reasonable and customary charge for	267
semiprivate accommodations, unless accommodations other than	268
semiprivate accommodations are medically required.	269

(2) For a victim described in division (L)(2) of this section, "allowable expense" means reasonable charges incurred for psychiatric care or counseling reasonably needed as a result of the criminally injurious conduct. No other type of expense is compensable under section 2743.51 to 2743.72 of the Revised Code for a victim of that type.

(3) For a victim described in division (L)(3) of this section, "allowable expense" means work loss and reasonable charges incurred for psychiatric care or counseling reasonably needed as a result of the criminally injurious conduct. No other type of expense is compensable under sections 2743.51 to 2743.72 of the Revised Code for a victim of that type.

(4) A family member of a victim who died as a proximate result of criminally injurious conduct may be reimbursed as an allowable expense through the victim's application for wages lost and travel expenses incurred in order to attend criminal justice proceedings arising from the criminally injurious conduct. The cumulative allowable expense for wages lost and travel expenses incurred by a family member to attend criminal justice proceedings shall not exceed five hundred dollars for each family member of the victim and two thousand dollars in the aggregate for all family members of the victim.

(5) For a victim described in division (L)(1) of this section, "allowable expense" includes both of the following:

(a) Reasonable expenses and fees necessary to obtain a guardian's bond pursuant to section 2109.04 of the Revised Code when the bond is required to pay an award to a fiduciary on behalf of a minor or other incompetent;

(b) Attorney's fees not exceeding one thousand dollars, at

a rate not exceeding one hundred dollars per hour, incurred to 299
successfully obtain a restraining order, custody order, or other 300
order to physically separate a victim from an offender. 301
Attorney's fees for the services described in this division may 302
include an amount for reasonable travel time incurred to attend 303
court hearings, not exceeding three hours' round-trip for each 304
court hearing, assessed at a rate not exceeding thirty dollars 305
per hour. 306

(G) "Work loss" means loss of income from work that the 307
injured person would have performed if the person had not been 308
injured and expenses reasonably incurred by the person to obtain 309
services in lieu of those the person would have performed for 310
income, reduced by any income from substitute work actually 311
performed by the person, or by income the person would have 312
earned in available appropriate substitute work that the person 313
was capable of performing but unreasonably failed to undertake. 314

(H) "Replacement services loss" means expenses reasonably 315
incurred in obtaining ordinary and necessary services in lieu of 316
those the injured person would have performed, not for income, 317
but for the benefit of the person's self or family, if the 318
person had not been injured. 319

(I) "Dependent's economic loss" means loss after a 320
victim's death of contributions of things of economic value to 321
the victim's dependents, not including services they would have 322
received from the victim if the victim had not suffered the 323
fatal injury, less expenses of the dependents avoided by reason 324
of the victim's death. If a minor child of a victim is adopted 325
after the victim's death, the minor child continues after the 326
adoption to incur a dependent's economic loss as a result of the 327
victim's death. If the surviving spouse of a victim remarries, 328

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 one of the following:

(1) A person who suffers personal injury or death as a result of any of the following:

(a) Criminally injurious conduct;

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

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

(2) A person who is an immediate family member of a victim of criminally injurious conduct that consists of a homicide, a

sexual assault, domestic violence, aggravated sexual extortion, 357
or a severe and permanently incapacitating injury resulting in 358
paraplegia or a similar life-altering condition, who requires 359
psychiatric care or counseling as a result of the criminally 360
injurious conduct; 361

(3) A person who suffers trauma so severe that it impedes 362
or prohibits a person from participating in normal daily 363
activities and who is either of the following: 364

(a) A family member of a victim of criminally injurious 365
conduct that consists of a homicide or aggravated sexual 366
extortion, or a family member of a victim who, as a result of 367
criminally injurious conduct, has sustained a severe and 368
permanently incapacitating injury resulting in paraplegia or a 369
similar life-altering condition, and who can demonstrate either 370
of the following by a preponderance of the evidence: 371

(i) The person witnessed the criminally injurious conduct. 372

(ii) The person arrived at the crime scene in its 373
immediate aftermath. 374

(b) An immediate family member who is a caretaker of a 375
dependent victim of criminally injurious conduct that consists 376
of a sexual assault. 377

(M) "Contributory misconduct" means any conduct of the 378
claimant or of the victim through whom the claimant claims an 379
award of reparations that is unlawful or intentionally tortious 380
and to which all of the following apply: 381

(1) The conduct occurred at the time of the criminally 382
injurious conduct that is the basis of the claim. 383

(2) The conduct itself caused or posed a substantial and 384

imminent threat of causing serious physical harm or death to 385
another. 386

(3) The conduct instigated or proximately caused the 387
criminally injurious conduct that is the basis of the claim. 388

(N) (1) "Funeral expense" means any reasonable charges that 389
are not in excess of seven thousand five hundred dollars per 390
funeral and that are incurred for expenses directly related to a 391
victim's funeral, cremation, or burial and any wages lost or 392
travel expenses incurred by a family member of a victim in order 393
to attend the victim's funeral, cremation, or burial. 394

(2) An award for funeral expenses shall be applied first 395
to expenses directly related to the victim's funeral, cremation, 396
or burial. An award for wages lost or travel expenses incurred 397
by a family member of the victim shall not exceed five hundred 398
dollars for each family member and shall not exceed in the 399
aggregate the difference between seven thousand five hundred 400
dollars and expenses that are reimbursed by the program and that 401
are directly related to the victim's funeral, cremation, or 402
burial. 403

(O) "Unemployment benefits loss" means a loss of 404
unemployment benefits pursuant to Chapter 4141. of the Revised 405
Code when the loss arises solely from the inability of a victim 406
to meet the able to work, available for suitable work, or the 407
actively seeking suitable work requirements of division (A) (4) 408
(a) of section 4141.29 of the Revised Code. 409

(P) "OVI violation" means any of the following: 410

(1) A violation of section 4511.19 of the Revised Code, of 411
any municipal ordinance prohibiting the operation of a vehicle 412
while under the influence of alcohol, a drug of abuse, or a 413

combination of them, or of any municipal ordinance prohibiting 414
the operation of a vehicle with a prohibited concentration of 415
alcohol, a controlled substance, or a metabolite of a controlled 416
substance in the whole blood, blood serum or plasma, breath, or 417
urine; 418

(2) A violation of division (A)(1) of section 2903.06 of 419
the Revised Code; 420

(3) A violation of division (A)(2), (3), or (4) of section 421
2903.06 of the Revised Code or of a municipal ordinance 422
substantially similar to any of those divisions, if the offender 423
was under the influence of alcohol, a drug of abuse, or a 424
combination of them, at the time of the commission of the 425
offense; 426

(4) For purposes of any person described in division (A) 427
(2) of this section, a violation of any law of the state, 428
district, territory, or foreign country in which the criminally 429
injurious conduct occurred, if that law is substantially similar 430
to a violation described in division (P)(1) or (2) of this 431
section or if that law is substantially similar to a violation 432
described in division (P)(3) of this section and the offender 433
was under the influence of alcohol, a drug of abuse, or a 434
combination of them, at the time of the commission of the 435
offense. 436

(Q) "Pendency of the claim" for an original reparations 437
application or supplemental reparations application means the 438
period of time from the date the criminally injurious conduct 439
upon which the application is based occurred until the date a 440
final decision, order, or judgment concerning that original 441
reparations application or supplemental reparations application 442
is issued. 443

(R) "Terrorism" means any activity to which all of the 444
following apply: 445

(1) The activity involves a violent act or an act that is 446
dangerous to human life. 447

(2) The act described in division (R)(1) of this section 448
is committed within the territorial jurisdiction of the United 449
States and is a violation of the criminal laws of the United 450
States, this state, or any other state or the act described in 451
division (R)(1) of this section is committed outside the 452
territorial jurisdiction of the United States and would be a 453
violation of the criminal laws of the United States, this state, 454
or any other state if committed within the territorial 455
jurisdiction of the United States. 456

(3) The activity appears to be intended to do any of the 457
following: 458

(a) Intimidate or coerce a civilian population; 459

(b) Influence the policy of any government by intimidation 460
or coercion; 461

(c) Affect the conduct of any government by assassination 462
or kidnapping. 463

(4) The activity occurs primarily outside the territorial 464
jurisdiction of the United States or transcends the national 465
boundaries of the United States in terms of the means by which 466
the activity is accomplished, the person or persons that the 467
activity appears intended to intimidate or coerce, or the area 468
or locale in which the perpetrator or perpetrators of the 469
activity operate or seek asylum. 470

(S) "Transcends the national boundaries of the United 471

States" means occurring outside the territorial jurisdiction of 472
the United States in addition to occurring within the 473
territorial jurisdiction of the United States. 474

(T) "Aggravated sexual extortion" means any activity to 475
which both of the following apply: 476

(1) The activity involves the release, exhibition, 477
distribution, or threatened release, exhibition, or distribution 478
of the private images of another person for any of the following 479
purposes: 480

(a) To compel or attempt to compel another person, against 481
that person's will, to perform any act or refrain from 482
performing any act; 483

(b) To induce the other person to commit a criminal 484
offense; 485

(c) To obtain additional private images from the other 486
person; 487

(d) To obtain anything of value from the other person. 488

(2) The target of the activity was eighteen years of age 489
or younger at the time of the activity. 490

(U) "Cost of crime scene cleanup" means any of the 491
following: 492

(1) The replacement cost for items of clothing removed 493
from a victim in order to make an assessment of possible 494
physical harm or to treat physical harm; 495

(2) Reasonable and necessary costs of cleaning the scene 496
and repairing, for the purpose of personal security, property 497
damaged at the scene where the criminally injurious conduct 498

occurred, not to exceed seven hundred fifty dollars in the 499
aggregate per claim. 500

~~(U)~~ (V) "Cost of evidence replacement" means costs for 501
replacement of property confiscated for evidentiary purposes 502
related to the criminally injurious conduct, not to exceed seven 503
hundred fifty dollars in the aggregate per claim. 504

~~(V)~~ (W) "Provider" means any person who provides a victim 505
or claimant with a product, service, or accommodations that are 506
an allowable expense or a funeral expense. 507

~~(W)~~ (X) "Immediate family member" means an individual who 508
resided in the same permanent household as a victim or target of 509
aggravated sexual extortion at the time of the criminally 510
injurious conduct and who is related to the victim by affinity 511
or consanguinity. 512

~~(X)~~ (Y) "Family member" means an individual who is related 513
to a victim or to a target of aggravated sexual extortion by 514
affinity or consanguinity. 515

Sec. 2743.56. (A) A claim for an award of reparations 516
shall be commenced by filing an application for an award of 517
reparations with the attorney general. The application may be 518
filed by mail. If the application is filed by mail, the post- 519
marked date of the application shall be considered the filing 520
date of the application. The application shall be in a form 521
prescribed by the attorney general and shall include a release 522
authorizing the attorney general and the court of claims to 523
obtain any report, document, or information that relates to the 524
determination of the claim for an award of reparations that is 525
requested in the application. 526

(B) All applications for an award of reparations may be 527

filed at any time within three years after the occurrence of the 528
criminally injurious conduct, except as provided in divisions 529
(A) (2) (b) to ~~(d)~~ (e) of section 2743.60 of the Revised Code. 530

Sec. 2743.60. (A) (1) The attorney general or the court of 531
claims shall not make or order an award of reparations to a 532
claimant if the criminally injurious conduct upon which the 533
claimant bases a claim never was reported to a law enforcement 534
officer or agency. 535

(2) (a) Except as provided in division (A) (2) (b), (c), ~~or~~ 536
~~(d), or (e)~~ of this section, the attorney general or court of 537
claims shall not make or order an award of reparations to a 538
claimant if the claim is based on criminally injurious conduct 539
that occurred more than three years before the claim was filed 540
or if the claim was denied under the law as it existed prior to 541
~~the effective date of this amendment~~ March 2, 2022. 542

(b) If the claimant was under twenty-one years of age at 543
the time of the criminally injurious conduct, the claim is not 544
barred under division (A) (2) (a) of this section until after the 545
claimant's twenty-fourth birthday. 546

(c) If the claim is based on criminally injurious conduct 547
that occurred prior to ~~the effective date of this section~~ March 548
2, 2022, and was denied under the law as it existed prior to ~~the~~ 549
~~effective date of this amendment~~ March 2, 2022, the claim is not 550
barred under division (A) (2) (a) of this section and the claimant 551
is eligible to reapply for relief under this section until more 552
than three years have passed since the criminally injurious 553
conduct that gave rise to the claim. 554

(d) If the claim is based on criminally injurious conduct 555
that occurred prior to the effective date of this amendment and 556

was denied under the law as it existed prior to the effective 557
date of this amendment, the claim is not barred under division 558
(A) (2) (a) of this section and the claimant is eligible to 559
reapply for relief under this section until more than five years 560
have passed since the criminally injurious conduct that gave 561
rise to the claim. 562

(e) Notwithstanding divisions (A) (2) (a), (b), and (c) of 563
this section, the attorney general is permitted to make an award 564
of reparations at any time for good cause shown. 565

(B) (1) The attorney general or the court of claims shall 566
not make or order an award of reparations to a claimant if any 567
of the following apply: 568

(a) The claimant is the offender or an accomplice of the 569
offender who committed the criminally injurious conduct, or the 570
award would unjustly benefit the offender or accomplice. 571

(b) Except as provided in division (B) (2) of this section, 572
both of the following apply: 573

(i) The victim was a passenger in a motor vehicle and knew 574
or reasonably should have known that the driver was under the 575
influence of alcohol, a drug of abuse, or both. 576

(ii) The claimant is seeking compensation for injuries 577
proximately caused by the driver described in division (B) (1) (b) 578
(i) of this section being under the influence of alcohol, a drug 579
of abuse, or both. 580

(c) Both of the following apply: 581

(i) The victim was under the influence of alcohol, a drug 582
of abuse, or both and was a passenger in a motor vehicle and, if 583
sober, should have reasonably known that the driver was under 584

the influence of alcohol, a drug of abuse, or both. 585

(ii) The claimant is seeking compensation for injuries 586
proximately caused by the driver described in division (B) (1) (b) 587
(i) of this section being under the influence of alcohol, a drug 588
of abuse, or both. 589

(2) Division (B) (1) (b) of this section does not apply if 590
on the date of the occurrence of the criminally injurious 591
conduct, the victim was under sixteen years of age or was at 592
least sixteen years of age but less than eighteen years of age 593
and was riding with a parent, guardian, or care-provider. 594

(C) The attorney general or the court of claims, upon a 595
finding that the claimant or victim has not fully cooperated 596
with appropriate law enforcement agencies, may deny a claim or 597
reconsider and reduce an award of reparations. 598

(D) The attorney general or the court of claims shall 599
reduce an award of reparations or deny a claim for an award of 600
reparations that is otherwise payable to a claimant to the 601
extent that the economic loss upon which the claim is based is 602
recouped from other persons, including collateral sources. If an 603
award is reduced or a claim is denied because of the expected 604
recoupment of all or part of the economic loss of the claimant 605
from a collateral source, the amount of the award or the denial 606
of the claim shall be conditioned upon the claimant's economic 607
loss being recouped by the collateral source. If the award or 608
denial is conditioned upon the recoupment of the claimant's 609
economic loss from a collateral source and it is determined that 610
the claimant did not unreasonably fail to present a timely claim 611
to the collateral source and will not receive all or part of the 612
expected recoupment, the claim may be reopened and an award may 613
be made in an amount equal to the amount of expected recoupment 614

that it is determined the claimant will not receive from the 615
collateral source. 616

If the claimant recoups all or part of the economic loss 617
upon which the claim is based from any other person or entity, 618
including a collateral source, the attorney general may recover 619
pursuant to section 2743.72 of the Revised Code the part of the 620
award that represents the economic loss for which the claimant 621
received the recoupment from the other person or entity. 622

(E) (1) Except as otherwise provided in division (E) (2) of 623
this section, in determining whether to make an award of 624
reparations pursuant to this section, the attorney general or 625
the court of claims shall consider whether there was 626
contributory misconduct by the victim or the claimant. The 627
attorney general or the court of claims shall reduce an award of 628
reparations or deny a claim for an award of reparations to the 629
extent it is determined to be reasonable because of the 630
contributory misconduct of the claimant or the victim. 631

(2) Notwithstanding division (E) (1) of this section, in 632
determining whether to make an award of reparations pursuant to 633
this section, if the criminally injurious conduct upon which the 634
claim is based resulted in a victim's death, the attorney 635
general and the court of claims shall not consider whether there 636
was contributory misconduct by the deceased victim. The attorney 637
general or the court of claims shall not reduce an award of 638
reparations or deny a claim for an award of reparations based on 639
contributory misconduct of a deceased victim. 640

(F) The attorney general or the court of claims shall not 641
make an award of reparations to a claimant if the criminally 642
injurious conduct that caused the injury or death that is the 643
subject of the claim occurred to a victim who was an adult and 644

while the victim, after being convicted of or pleading guilty to 645
an offense, was serving a sentence of imprisonment in any 646
detention facility, as defined in section 2921.01 of the Revised 647
Code. 648

(G) If a claimant unreasonably fails to present a claim 649
timely to a source of benefits or advantages that would have 650
been a collateral source and that would have reimbursed the 651
claimant for all or a portion of a particular expense, the 652
attorney general or the court of claims may reduce an award of 653
reparations or deny a claim for an award of reparations to the 654
extent that it is reasonable to do so. 655

(H) Reparations payable to a victim described in division 656
(L) (1) of section 2743.51 of the Revised Code and to all other 657
claimants sustaining economic loss because of injury to or the 658
death of that victim shall not exceed fifty thousand dollars in 659
the aggregate. Reparations payable to a victim described in 660
division (L) (2) of section 2743.51 of the Revised Code shall not 661
exceed five thousand dollars. Reparations payable to a victim 662
described in division (L) (3) of section 2743.51 of the Revised 663
Code shall not exceed fifteen thousand dollars. If the attorney 664
general or the court of claims reduces an award under division 665
(E) of this section, the maximum aggregate amount of reparations 666
payable under this division shall be reduced proportionately to 667
the reduction under division (E) of this section. 668

(I) Reparations otherwise payable to a victim under this 669
section shall not be payable to the victim during any period 670
that the victim is incarcerated. 671

(J) Nothing in this section shall be construed to prohibit 672
an award to a claimant whose claim is based on the claimant's 673
being a victim of a violation of section 2905.32 of the Revised 674

Code or a victim of aggravated sexual extortion, if the claimant 675
was less than eighteen years of age when the criminally 676
injurious conduct occurred. 677

Sec. 2743.71. (A) Any law enforcement agency that 678
investigates, and any prosecuting attorney, city director of 679
law, village solicitor, or similar prosecuting authority who 680
prosecutes, an offense committed in this state shall, upon first 681
contact with the victim, as defined in division (L) (1) of 682
section 2743.51 of the Revised Code, or the victim's family or 683
dependents, give the victim or the victim's family or dependents 684
a copy of an information card or other printed material provided 685
by the attorney general pursuant to division (B) of this section 686
and explain, upon request, the information on the card or 687
material to the victim or the victim's family or dependents. 688

(B) The attorney general shall have printed, and shall 689
provide to law enforcement agencies, prosecuting attorneys, city 690
directors of law, village solicitors, and similar prosecuting 691
authorities, cards or other materials that contain information 692
explaining awards of reparations. The information on the cards 693
or other materials shall include, but shall not be limited to, 694
the following statements: 695

(1) Awards of reparations are limited to losses that are 696
caused by physical injury resulting from criminally injurious 697
conduct; 698

(2) Reparations applications may be filed at any time 699
within three years after the occurrence of the criminally 700
injurious conduct, except as provided in divisions (A) (2) (b) to 701
~~(d)~~ (e) of section 2743.60 of the Revised Code; 702

(3) An attorney who represents an applicant for an award 703

of reparations cannot charge the applicant for the services 704
rendered in relation to that representation but is required to 705
apply to the attorney general for payment for the 706
representation; 707

(4) Applications for awards of reparations may be obtained 708
from the attorney general, law enforcement agencies, and victim 709
assistance agencies and are to be filed with the attorney 710
general. 711

(C) The attorney general may order that a reasonable 712
amount of money be paid out of the reparations fund, subject to 713
the limitation imposed by division (D) of this section, for use 714
by the attorney general to publicize the availability of awards 715
of reparations. 716

(D) During any fiscal year, the total expenditure for the 717
printing and providing of information cards or other materials 718
pursuant to division (B) of this section and for the publicizing 719
of the availability of awards of reparations pursuant to 720
division (C) of this section shall not exceed two per cent of 721
the total of all court costs deposited, in accordance with 722
section 2743.70 of the Revised Code, in the reparations fund 723
during the immediately preceding fiscal year. 724

(E) The information cards or other materials provided 725
pursuant to division (B) of this section may be provided with 726
the compilation prepared pursuant to division (A) of section 727
109.42 of the Revised Code. 728

Sec. 2905.11. (A) As used in this section and section 729
2905.111 of the Revised Code: 730

(1) "Elderly person" and "disabled adult" have the same 731
meanings as in section 2913.01 of the Revised Code. 732

<u>(2) "Information service" and "telecommunications service"</u>	733
<u>have the same meanings as in the "Telecommunications Act of</u>	734
<u>1996," 47 U.S.C. 153, as amended.</u>	735
<u>(3) "Interactive computer service" has the same meaning as</u>	736
<u>in the "Telecommunications Act of 1996," 47 U.S.C. 230, as</u>	737
<u>amended.</u>	738
<u>(4) "Nudity," "sexual activity," and "sexual excitement"</u>	739
<u>have the same meanings as in section 2907.01 of the Revised</u>	740
<u>Code.</u>	741
<u>(5) "Private images" means images of sexual activity,</u>	742
<u>masturbation, sexual excitement, nudity, bestiality, extreme or</u>	743
<u>bizarre violence, cruelty, or brutality, or human bodily</u>	744
<u>functions of elimination.</u>	745
<u>(6) "Threat" includes a direct threat and a threat by</u>	746
<u>innuendo.</u>	747
<u>(B) No person, with purpose to obtain any valuable thing</u>	748
<u>or valuable benefit or to induce another to do an unlawful act,</u>	749
<u>shall do any of the following:</u>	750
(1) Threaten to commit any felony;	751
(2) Threaten to commit any offense of violence;	752
(3) Violate section 2903.21 or 2903.22 of the Revised	753
Code;	754
(4) Utter or threaten any calumny against any person;	755
(5) Expose or threaten to expose any matter tending to	756
subject any person to hatred, contempt, or ridicule, or to	757
damage any person's personal or business repute, or to impair	758
any person's credit.	759

~~(B)-(C)~~ Whoever violates division (B) of this section is 760
guilty of extortion, a felony of the third degree. 761

~~(C) As used in this section, "threat" includes a direct~~ 762
~~threat and a threat by innuendo.~~ 763
(D) (1) No person, with purpose to 764
do any of the following, shall threaten to release, exhibit, or 764
distribute the private images of another: 765

(a) Compel or attempt to compel the other person, against 766
the other person's will, to perform any act or refrain from 767
performing any act; 768

(b) Induce the other person to commit an offense; 769

(c) Obtain additional private images from the other 770
person; 771

(d) Obtain anything of value from the other person. 772

(2) If a victim of a violation of division (D) of this 773
section commits suicide or causes serious physical harm to the 774
victim's self within fourteen days of the violation, there is a 775
rebuttable presumption that the victim's death or serious 776
physical harm was a result of the offender's violation of 777
division (D) of this section. 778

(E) Whoever violates division (D) of this section is 779
guilty of one of the following: 780

(1) Except as provided in division (E) (2) of this section, 781
whoever violates division (D) of this section is guilty of 782
sexual extortion. The penalty for the offense shall be 783
determined as follows: 784

(a) Except as otherwise provided in division (E) (1) (b) or 785
(c) of this section, sexual extortion is a felony of the third 786
degree. 787

(b) Except as otherwise provided in division (E) (1) (c) of 788
this section, if the offender previously has been convicted of 789
or pleaded guilty to a violation of division (D) of this section 790
or if the offense involves sexual extortion of a person under 791
the age of eighteen, an elderly person, or a disabled adult, 792
sexual extortion is a felony of the second degree. 793

(c) If the offender has previously been convicted of or 794
pleaded guilty to two or more violations of division (D) of this 795
section or if the offender has previously been convicted of or 796
pleaded guilty to an offense involving sexual extortion of a 797
person under the age of eighteen, an elderly person, or a 798
disabled adult and the offender knows or has reason to know that 799
the person is under the age of eighteen, an elderly person, or a 800
disabled adult, sexual extortion is a felony of the first 801
degree. 802

(2) Whoever violates division (D) of this section in a 803
manner that results in serious physical harm to a victim or 804
results in the victim's death is guilty of aggravated sexual 805
extortion. The penalty for the offense shall be determined as 806
follows: 807

(a) Except as otherwise provided in division (E) (2) (b) or 808
(c) of this section, aggravated sexual extortion is a felony of 809
the third degree and, in addition to any other prison term 810
imposed for the offense, the court may impose an additional 811
prison term of up to ten years. 812

(b) Except as provided in division (E) (2) (c) of this 813
section, if the offender has previously been convicted of or 814
pleaded guilty to a violation of division (D) of this section, 815
aggravated sexual extortion is a felony of the second degree 816
and, in addition to any other prison term imposed for the 817

offense, the court may impose an additional prison term of up to 818
ten years. 819

(c) If the offender has previously been convicted of or 820
pleaded guilty to two or more violations of division (D) of this 821
section or if the offense involves sexual extortion of a person 822
under the age of eighteen, an elderly person, or a disabled 823
adult and the offender knows or has reason to know that the 824
person is under the age of eighteen, an elderly person, or a 825
disabled adult, aggravated sexual extortion is a felony of the 826
first degree and, in addition to any other prison term imposed 827
for the offense, the court may impose an additional prison term 828
of up to ten years. 829

(F) A prosecution for a violation of division (D) of this 830
section does not preclude a prosecution of a violation of 831
division (B) of this section. One or more acts, a series of 832
acts, or a course of behavior that can be prosecuted under 833
division (D) of this section or division (B) of this section may 834
be prosecuted under division (D) of this section, division (B) 835
of this section, or both divisions. However, if an offender is 836
convicted of or pleads guilty to a violation of division (D) of 837
this section and also is convicted of or pleads guilty to a 838
violation of division (B) of this section based on the same 839
conduct involving the same victim that was the basis of the 840
violation of division (D) of this section, the two offenses are 841
allied offenses of similar import under section 2941.25 of the 842
Revised Code. 843

(G) (1) No person shall assert a cause of action in any 844
court of this state against any provider of an information 845
service, an interactive computer service, or a 846
telecommunications service, or against any agent, employee, or 847

officer of such provider, for any injury, death, or loss to 848
person or property that allegedly arises out of the provider's, 849
officer's, employee's, or agent's provision of information, 850
facilities, or assistance in accordance with the terms of a 851
court order that is issued in relation to the investigation or 852
prosecution of an alleged violation of division (D) of this 853
section. 854

(2) A provider of an information service, an interactive 855
computer service, or a telecommunications service, or any agent, 856
employee, or officer of such provider, is immune from any civil 857
or criminal liability for injury, death, or loss to person or 858
property that allegedly arises out of the provider's, officer's, 859
employee's, or agent's provision of information, facilities, or 860
assistance in accordance with the terms of a court order that is 861
issued in relation to the investigation or prosecution of an 862
alleged violation of division (D) of this section. 863

(H) (1) (a) A person shall not be considered to have 864
violated division (D) of this section solely for providing 865
access or connection to or from an electronic method of remotely 866
transferring information not under that person's control, 867
including having provided capabilities that are incidental to 868
providing access or connection to or from the electronic method 869
of remotely transferring the information and that do not include 870
the creation of the content of the material that is the subject 871
of the access or connection. 872

(b) Any person providing access or connection to or from 873
an electronic method of remotely transferring information not 874
under that person's control shall not be liable for any action 875
voluntarily taken in good faith to block the receipt or 876
transmission through its service of any information that the 877

person believes is, or will be, sent in violation of division 878
(D) of this section. 879

(2) Division (H) (1) of this section does not create an 880
affirmative duty for any person providing access or connection 881
to or from an electronic method of remotely transferring 882
information not under that person's control to block the receipt 883
or transmission through its service of any information that it 884
believes is, or will be sent, in violation of division (D) of 885
this section, except as otherwise provided by law. 886

(3) Division (H) (1) of this section does not apply to a 887
person who conspires with another person actively involved in 888
the creation or knowing distribution of material in violation of 889
division (D) of this section, or who knowingly advertises the 890
availability of material of that nature. 891

(4) (a) A provider or user of an interactive computer 892
service shall neither be treated as the publisher nor speaker of 893
any information provided by another information content 894
provider, nor shall such a person be held civilly or criminally 895
liable for the creation or development of information provided 896
by another information content provider. 897

(b) Nothing in division (H) (4) (a) of this section shall be 898
construed as protecting a person from liability to the extent 899
that the person developed or created any content in violation of 900
division (D) of this section. 901

Sec. 2905.111. Notwithstanding any provision of the 902
Revised Code to the contrary, no person shall be convicted of an 903
offense, and no child shall be adjudicated a delinquent child, 904
for disseminating private images of that person or child to 905
another person as a direct and proximate result of a violation 906

of division (D) of section 2905.11 of the Revised Code in which 907
the person or child was a victim. 908

Section 2. That existing sections 2137.15, 2743.51, 909
2743.56, 2743.60, 2743.71, and 2905.11 of the Revised Code are 910
hereby repealed. 911

Section 3. This act shall be known as Braden's Law. 912