

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 360

Senator Schaffer

To amend section 2307.60 of the Revised Code to
allow victims of theft or fraud during a
declared state of emergency to recover treble
damages from the offender.

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

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

Sec. 2307.60. (A) (1) Anyone Except as provided in division
(A) (2) of this section, anyone injured in person or property by
a criminal act has, and may recover full damages in, a civil
action unless specifically excepted by law, may recover the
costs of maintaining the civil action and attorney's fees if
authorized by any provision of the Rules of Civil Procedure or
another section of the Revised Code or under the common law of
this state, and may recover punitive or exemplary damages if
authorized by section 2315.21 or another section of the Revised
Code.

(2) Anyone injured in person or property by a criminal act
involving theft or fraud during the stated period and within the
location of an emergency declared by the president, the
governor, or by the chief elected official of a political

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subdivision has, and may recover treble damages in, a civil 21
action unless specifically excepted by law, may recover the 22
costs of maintaining the civil action and attorney's fees if 23
authorized by any provision of the Rules of Civil Procedure or 24
another section of the Revised Code or under the common law of 25
this state, and may recover punitive or exemplary damages if 26
authorized by section 2315.21 or another section of the Revised 27
Code. 28

(3) A final judgment of a trial court that has not been 29
reversed on appeal or otherwise set aside, nullified, or 30
vacated, entered after a trial or upon a plea of guilty, but not 31
upon a plea of no contest or the equivalent plea from another 32
jurisdiction, that adjudges an offender guilty of an offense of 33
violence punishable by death or imprisonment in excess of one 34
year, when entered as evidence in any subsequent civil 35
proceeding based on the criminal act, shall preclude the 36
offender from denying in the subsequent civil proceeding any 37
fact essential to sustaining that judgment, unless the offender 38
can demonstrate that extraordinary circumstances prevented the 39
offender from having a full and fair opportunity to litigate the 40
issue in the criminal proceeding or other extraordinary 41
circumstances justify affording the offender an opportunity to 42
relitigate the issue. The offender may introduce evidence of the 43
offender's pending appeal of the final judgment of the trial 44
court, if applicable, and the court may consider that evidence 45
in determining the liability of the offender. 46

(B) (1) As used in division (B) of this section: 47

(a) "Tort action" means a civil action for damages for 48
injury, death, or loss to person or property other than a civil 49
action for damages for a breach of contract or another agreement 50

between persons. "Tort action" includes, but is not limited to, 51
a product liability claim, as defined in section 2307.71 of the 52
Revised Code, and an asbestos claim, as defined in section 53
2307.91 of the Revised Code, an action for wrongful death under 54
Chapter 2125. of the Revised Code, and an action based on 55
derivative claims for relief. 56

(b) "Residence" has the same meaning as in section 2901.05 57
of the Revised Code. 58

(2) Recovery on a claim for relief in a tort action is 59
barred to any person or the person's legal representative if any 60
of the following apply: 61

(a) The person has been convicted of or has pleaded guilty 62
to a felony, or to a misdemeanor that is an offense of violence, 63
arising out of criminal conduct that was a proximate cause of 64
the injury or loss for which relief is claimed in the tort 65
action. 66

(b) The person engaged in conduct that, if prosecuted, 67
would constitute a felony, a misdemeanor that is an offense of 68
violence, an attempt to commit a felony, or an attempt to commit 69
a misdemeanor that is an offense of violence and that conduct 70
was a proximate cause of the injury or loss for which relief is 71
claimed in the tort action, regardless of whether the person has 72
been convicted of or pleaded guilty to or has been charged with 73
committing the felony, the misdemeanor, or the attempt to commit 74
the felony or misdemeanor. 75

(c) The person suffered the injury or loss for which 76
relief is claimed in the tort action as a proximate result of 77
the victim of conduct that, if prosecuted, would constitute a 78
felony, a misdemeanor that is an offense of violence, an attempt 79

to commit a felony, or an attempt to commit a misdemeanor that
is an offense of violence acting against the person in self-
defense, defense of another, or defense of the victim's
residence, regardless of whether the person has been convicted
of or pleaded guilty to or has been charged with committing the
felony, the misdemeanor, or the attempt to commit the felony or
misdemeanor. Division (B) (2) (c) of this section does not apply
if the person who suffered the injury or loss, at the time of
the victim's act of self-defense, defense of another, or defense
of residence, was an innocent bystander who had no connection
with the underlying conduct that prompted the victim's exercise
of self-defense, defense of another, or defense of residence.

(3) Recovery against a victim of conduct that, if
prosecuted, would constitute a felony, a misdemeanor that is an
offense of violence, an attempt to commit a felony, or an
attempt to commit a misdemeanor that is an offense of violence,
on a claim for relief in a tort action is barred to any person
or the person's legal representative if conduct the person
engaged in against that victim was a proximate cause of the
injury or loss for which relief is claimed in the tort action
and that conduct, if prosecuted, would constitute a felony, a
misdemeanor that is an offense of violence, an attempt to commit
a felony, or an attempt to commit a misdemeanor that is an
offense of violence, regardless of whether the person has been
convicted of or pleaded guilty to or has been charged with
committing the felony, the misdemeanor, or the attempt to commit
the felony or misdemeanor.

(4) Divisions (B) (1) to (3) of this section do not apply
to civil claims based upon alleged intentionally tortious
conduct, alleged violations of the United States Constitution,
or alleged violations of statutes of the United States

pertaining to civil rights. For purposes of division (B) (4) of 111
this section, a person's act of self-defense, defense of 112
another, or defense of the person's residence does not 113
constitute intentionally tortious conduct. 114

Section 2. That existing section 2307.60 of the Revised 115
Code is hereby repealed. 116