

**SB 36 CRIME VICTIM REPARATIONS
PROPONENT TESTIMONY
Sharon Montgomery
May 27, 2021**

Chairman LaRe, Vice Chairman Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee, I want to add my support to SB 36 as being a definite step in the right direction, as a way to better align victim compensation rules with their intent.

I also want to express my support for the way in which this bill was conceived: by learning of the gaps in victim compensation from real-life circumstances. A bill or law can look great on paper and the wider the range of perspectives that went into writing it, the greater it can look.

However, it is not uncommon for a great-looking bill or law to collide with reality. The responsible action after that collision is to revise the bill or law so it serves its purposes in real life. I want to thank Chairman Manning for joint-sponsoring this bill's predecessor, SB 369, and for bringing it back. My thanks, also, to Sen. Huffman for being the new joint sponsor.

I refer to this bill as a "step" in the right direction because there are other gaps in victim compensation that I have had the misfortune to experience myself.

I am not generally considered a "crime" victim but I suffered great losses, including economic, as a result of another person breaking a law. In my mind, this makes me a "crime" victim.

For those of you who have heard my story before, I apologize for subjecting you to it yet again. It is important for the rest of the committee to know it, though. In Sept. of 2000, a driver using his phone caused a three-car crash in Licking Co. The driver of one victim car is now permanently, partially disabled. The driver of the other victim car, my husband, died after six weeks in ICU. I had life-threatening complications of my injuries, needed medical care for physical injuries for several months, then again three years later, then again in 2019. I am still being treated for PTSD. As we learn more about the long-term effects of brain injuries, I worry about my future. Our losses, not counting John's future earnings (he was only 51) were about one-half **million** dollars. I avoided bankruptcy only because my lawyer was skilled and my husband's employer was generous.

Because of insurance laws at that time, I owed my husband's employer's self-funded insurance plan nearly \$300,000. They agreed to my lawyer's request to release me from that obligation. Of course a good lawyer costs money. As Rep. Lampton pointed out in his sponsor testimony to you for HB 283 just last week, crashes have economic consequences that can be significant.

In 2005, HB 108 was introduced to amend ORC 2930.01 by including injured OVI victims in the victims' rights law. I told my story as an example of why adding only OVI victims fell short. I said I thought compensation eligibility should be based more on the victim's needs than on the name of the offense. Several committee members agreed with me but one didn't and my suggestions fell by the wayside. I was not, and would still not be, under this bill, eligible to be assigned a victim advocate. While I was busy just trying to survive, the assistance of someone who "knows the ropes" and was ready to help would have been invaluable.

I would like you all to be aware that victim compensation, whether it is from insurance, the state, or the offender, needs a broader review, as do victims' rights. I hope each of you will keep victim rights and compensation on your to-do lists. And I hope you will pass this bill out of committee. The changes SB 36 would make are definitely justifiable. Victims can't heal until justice has been served.

Thank you for considering my viewpoints. Please feel free to contact me if you have questions, or—dare I hope—you want to work with me on a future bill.

Sharon Montgomery