

SB 369 CRIME VICTIM REPARATIONS
PROPONENT TESTIMONY December 16, 2020
Sharon Montgomery

Chairman Lang, Vice Chairman Plummer, Ranking Member Ieland, and members of the House Criminal Justice Committee, I want to add my support to SB 369 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. The sponsors learned 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 know from experience that Sen. Lehner has supported legislation in the past based on her first-hand knowledge of her constituents' real-life situations. I commend her highly for that.

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 know my story, 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 last year. 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, I owed my husband's employer's self-funded insurance plan nearly \$300,000. They agreed to release me from that obligation. Of course a good lawyer costs money.

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 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 all of you who will be back next session will keep victim rights and compensation on your to-do lists. And I hope all of you here now will pass this bill out of committee.

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.

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