

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 281

Representatives Seitz, Young, T.

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

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A BILL

To amend section 2307.60 of the Revised Code to  
require in a civil action for damages caused by  
another person's criminal act that such other  
person was convicted of, pleaded guilty to, or  
adjudicated delinquent in connection with the  
criminal act.

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)(A)~~ Anyone injured in person or  
property by a criminal act committed by a person who previously  
has been convicted of, or pleaded guilty to, the offense charged  
for such criminal act, or previously has been adjudicated a  
delinquent child in connection with the criminal act, in a  
final, unappealable order has, and may recover full damages in,  
a civil action unless specifically excepted by law~~7~~. The injured  
person additionally may recover the costs following:

(1) 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 19  
the common law of this state, ~~and may recover punitive;~~ 20

(2) Punitive or exemplary damages if authorized by section 21  
2315.21 or another section of the Revised Code. 22

~~(2) A final judgment of a trial court that has not been 23  
reversed on appeal or otherwise set aside, nullified, or 24  
vacated, entered after a trial or upon a plea of guilty, but not 25  
upon a plea of no contest or the equivalent plea from another 26  
jurisdiction, that adjudges an offender guilty of an offense of 27  
violence punishable by death or imprisonment in excess of one 28  
year, when entered as evidence in any subsequent civil 29  
proceeding based on the criminal act, shall preclude the 30  
offender from denying in the subsequent civil proceeding any 31  
fact essential to sustaining that judgment, unless the offender 32  
can demonstrate that extraordinary circumstances prevented the 33  
offender from having a full and fair opportunity to litigate the 34  
issue in the criminal proceeding or other extraordinary 35  
circumstances justify affording the offender an opportunity to 36  
relitigate the issue. The offender may introduce evidence of the 37  
offender's pending appeal of the final judgment of the trial 38  
court, if applicable, and the court may consider that evidence 39  
in determining the liability of the offender. 40~~

(B) (1) As used in division (B) of this section: 41

(a) "Tort action" means a civil action for damages for 42  
injury, death, or loss to person or property other than a civil 43  
action for damages for a breach of contract or another agreement 44  
between persons. "Tort action" includes, but is not limited to, 45  
a product liability claim, as defined in section 2307.71 of the 46  
Revised Code, and an asbestos claim, as defined in section 47  
2307.91 of the Revised Code, an action for wrongful death under 48

Chapter 2125. of the Revised Code, and an action based on 49  
derivative claims for relief. 50

(b) "Residence" has the same meaning as in section 2901.05 51  
of the Revised Code. 52

(2) Recovery on a claim for relief in a tort action is 53  
barred to any person or the person's legal representative if any 54  
of the following apply: 55

(a) The person has been convicted of or has pleaded guilty 56  
to a felony, or to a misdemeanor that is an offense of violence, 57  
arising out of criminal conduct that was a proximate cause of 58  
the injury or loss for which relief is claimed in the tort 59  
action. 60

(b) The person engaged in conduct that, if prosecuted, 61  
would constitute a felony, a misdemeanor that is an offense of 62  
violence, an attempt to commit a felony, or an attempt to commit 63  
a misdemeanor that is an offense of violence and that conduct 64  
was a proximate cause of the injury or loss for which relief is 65  
claimed in the tort action, regardless of whether the person has 66  
been convicted of or pleaded guilty to or has been charged with 67  
committing the felony, the misdemeanor, or the attempt to commit 68  
the felony or misdemeanor. 69

(c) The person suffered the injury or loss for which 70  
relief is claimed in the tort action as a proximate result of 71  
the victim of conduct that, if prosecuted, would constitute a 72  
felony, a misdemeanor that is an offense of violence, an attempt 73  
to commit a felony, or an attempt to commit a misdemeanor that 74  
is an offense of violence acting against the person in self- 75  
defense, defense of another, or defense of the victim's 76  
residence, regardless of whether the person has been convicted 77

of or pleaded guilty to or has been charged with committing the 78  
felony, the misdemeanor, or the attempt to commit the felony or 79  
misdemeanor. Division (B) (2) (c) of this section does not apply 80  
if the person who suffered the injury or loss, at the time of 81  
the victim's act of self-defense, defense of another, or defense 82  
of residence, was an innocent bystander who had no connection 83  
with the underlying conduct that prompted the victim's exercise 84  
of self-defense, defense of another, or defense of residence. 85

(3) Recovery against a victim of conduct that, if 86  
prosecuted, would constitute a felony, a misdemeanor that is an 87  
offense of violence, an attempt to commit a felony, or an 88  
attempt to commit a misdemeanor that is an offense of violence, 89  
on a claim for relief in a tort action is barred to any person 90  
or the person's legal representative if conduct the person 91  
engaged in against that victim was a proximate cause of the 92  
injury or loss for which relief is claimed in the tort action 93  
and that conduct, if prosecuted, would constitute a felony, a 94  
misdemeanor that is an offense of violence, an attempt to commit 95  
a felony, or an attempt to commit a misdemeanor that is an 96  
offense of violence, regardless of whether the person has been 97  
convicted of or pleaded guilty to or has been charged with 98  
committing the felony, the misdemeanor, or the attempt to commit 99  
the felony or misdemeanor. 100

(4) Divisions (B) (1) to (3) of this section do not apply 101  
to civil claims based upon alleged intentionally tortious 102  
conduct, alleged violations of the United States Constitution, 103  
or alleged violations of statutes of the United States 104  
pertaining to civil rights. For purposes of division (B) (4) of 105  
this section, a person's act of self-defense, defense of 106  
another, or defense of the person's residence does not 107  
constitute intentionally tortious conduct. 108

**Section 2.** That existing section 2307.60 of the Revised Code is hereby repealed. 109  
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