

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 342**

**Senator Williams**

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**A BILL**

To amend sections 2743.51, 2743.59, 2743.60, and 1  
2743.65 and to enact section 2743.602 of the 2  
Revised Code to specify that any disqualifying 3  
felony conviction, contributory misconduct, or 4  
other offense in the Reparations Fund Law be 5  
attributed only to the victim and to reduce the 6  
look-back period for such conviction, 7  
misconduct, or other offense from ten to three 8  
years and the ongoing criminal conduct from five 9  
years or less to three years or less. 10

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

**Section 1.** That sections 2743.51, 2743.59, 2743.60, and 11  
2743.65 be amended and section 2743.602 of the Revised Code be 12  
enacted to read as follows: 13

**Sec. 2743.51.** As used in sections 2743.51 to 2743.72 of 14  
the Revised Code: 15

(A) "Claimant" means both of the following categories of 16  
persons: 17

(1) Any of the following persons who claim an award of 18  
reparations under sections 2743.51 to 2743.72 of the Revised 19

Code: 20

(a) A victim who was one of the following at the time of 21  
the criminally injurious conduct: 22

(i) A resident of the United States; 23

(ii) A resident of a foreign country the laws of which 24  
permit residents of this state to recover compensation as 25  
victims of offenses committed in that country. 26

(b) A dependent of a deceased victim who is described in 27  
division (A) (1) (a) of this section; 28

(c) A third person, other than a collateral source, who 29  
legally assumes or voluntarily pays the obligations of a victim, 30  
or of a dependent of a victim, who is described in division (A) 31  
(1) (a) of this section, which obligations are incurred as a 32  
result of the criminally injurious conduct that is the subject 33  
of the claim and may include, but are not limited to, medical or 34  
burial expenses; 35

(d) A person who is authorized to act on behalf of any 36  
person who is described in division (A) (1) (a), (b), or (c) of 37  
this section; 38

(e) The estate of a deceased victim who is described in 39  
division (A) (1) (a) of this section. 40

(2) Any of the following persons who claim an award of 41  
reparations under sections 2743.51 to 2743.72 of the Revised 42  
Code: 43

(a) A victim who had a permanent place of residence within 44  
this state at the time of the criminally injurious conduct and 45  
who, at the time of the criminally injurious conduct, complied 46  
with any one of the following: 47

- (i) Had a permanent place of employment in this state; 48
- (ii) Was a member of the regular armed forces of the 49  
United States or of the United States coast guard or was a full- 50  
time member of the Ohio organized militia or of the United 51  
States army reserve, naval reserve, or air force reserve; 52
- (iii) Was retired and receiving social security or any 53  
other retirement income; 54
- (iv) Was sixty years of age or older; 55
- (v) Was temporarily in another state for the purpose of 56  
receiving medical treatment; 57
- (vi) Was temporarily in another state for the purpose of 58  
performing employment-related duties required by an employer 59  
located within this state as an express condition of employment 60  
or employee benefits; 61
- (vii) Was temporarily in another state for the purpose of 62  
receiving occupational, vocational, or other job-related 63  
training or instruction required by an employer located within 64  
this state as an express condition of employment or employee 65  
benefits; 66
- (viii) Was a full-time student at an academic institution, 67  
college, or university located in another state; 68
- (ix) Had not departed the geographical boundaries of this 69  
state for a period exceeding thirty days or with the intention 70  
of becoming a citizen of another state or establishing a 71  
permanent place of residence in another state. 72
- (b) A dependent of a deceased victim who is described in 73  
division (A) (2) (a) of this section; 74

(c) A third person, other than a collateral source, who	75
legally assumes or voluntarily pays the obligations of a victim,	76
or of a dependent of a victim, who is described in division (A)	77
(2) (a) of this section, which obligations are incurred as a	78
result of the criminally injurious conduct that is the subject	79
of the claim and may include, but are not limited to, medical or	80
burial expenses;	81
(d) A person who is authorized to act on behalf of any	82
person who is described in division (A) (2) (a), (b), or (c) of	83
this section;	84
(e) The estate of a deceased victim who is described in	85
division (A) (2) (a) of this section.	86
(B) "Collateral source" means a source of benefits or	87
advantages for economic loss otherwise reparable that the victim	88
or claimant has received, or that is readily available to the	89
victim or claimant, from any of the following sources:	90
(1) The offender;	91
(2) The government of the United States or any of its	92
agencies, a state or any of its political subdivisions, or an	93
instrumentality of two or more states, unless the law providing	94
for the benefits or advantages makes them excess or secondary to	95
benefits under sections 2743.51 to 2743.72 of the Revised Code;	96
(3) Social security, medicare, and medicaid;	97
(4) State-required, temporary, nonoccupational disability	98
insurance;	99
(5) Workers' compensation;	100
(6) Wage continuation programs of any employer;	101

(7) Proceeds of a contract of insurance payable to the 102  
victim for loss that the victim sustained because of the 103  
criminally injurious conduct; 104

(8) A contract providing prepaid hospital and other health 105  
care services, or benefits for disability; 106

(9) That portion of the proceeds of all contracts of 107  
insurance payable to the claimant on account of the death of the 108  
victim that exceeds fifty thousand dollars; 109

(10) Any compensation recovered or recoverable under the 110  
laws of another state, district, territory, or foreign country 111  
because the victim was the victim of an offense committed in 112  
that state, district, territory, or country. 113

"Collateral source" does not include any money, or the 114  
monetary value of any property, that is subject to sections 115  
2969.01 to 2969.06 of the Revised Code or that is received as a 116  
benefit from the Ohio public safety officers death benefit fund 117  
created by section 742.62 of the Revised Code. 118

(C) "Criminally injurious conduct" means one of the 119  
following: 120

(1) For the purposes of any person described in division 121  
(A) (1) of this section, any conduct that occurs or is attempted 122  
in this state; poses a substantial threat of personal injury or 123  
death; and is punishable by fine, imprisonment, or death, or 124  
would be so punishable but for the fact that the person engaging 125  
in the conduct lacked capacity to commit the crime under the 126  
laws of this state. Criminally injurious conduct does not 127  
include conduct arising out of the ownership, maintenance, or 128  
use of a motor vehicle, except when any of the following 129  
applies: 130

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

(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of this state;

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

(d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code;

(e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of section 4549.02 or 4549.021 of the Revised Code.

(2) For the purposes of any person described in division (A) (2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; 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 the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:

(a) The person engaging in the conduct intended to cause 160  
personal injury or death; 161

(b) The person engaging in the conduct was using the 162  
vehicle to flee immediately after committing a felony or an act 163  
that would constitute a felony but for the fact that the person 164  
engaging in the conduct lacked the capacity to commit the felony 165  
under the laws of the state, district, territory, or foreign 166  
country in which the conduct occurred or was attempted; 167

(c) The person engaging in the conduct was using the 168  
vehicle in a manner that constitutes an OVI violation; 169

(d) The conduct occurred on or after July 25, 1990, the 170  
person engaging in the conduct was using the vehicle in a manner 171  
that constitutes a violation of any law of the state, district, 172  
territory, or foreign country in which the conduct occurred, and 173  
that law is substantially similar to a violation of section 174  
2903.08 of the Revised Code; 175

(e) The person engaging in the conduct acted in a manner 176  
that caused serious physical harm to a person and that 177  
constituted a violation of any law of the state, district, 178  
territory, or foreign country in which the conduct occurred, and 179  
that law is substantially similar to section 4549.02 or 4549.021 180  
of the Revised Code. 181

(3) For the purposes of any person described in division 182  
(A) (1) or (2) of this section, terrorism that occurs within or 183  
outside the territorial jurisdiction of the United States. 184

(D) "Dependent" means an individual wholly or partially 185  
dependent upon the victim for care and support, and includes a 186  
child of the victim born after the victim's death. 187

(E) "Economic loss" means economic detriment consisting 188

only of allowable expense, work loss, funeral expense, 189  
unemployment benefits loss, replacement services loss, cost of 190  
crime scene cleanup, and cost of evidence replacement. If 191  
criminally injurious conduct causes death, economic loss 192  
includes a dependent's economic loss and a dependent's 193  
replacement services loss. Noneconomic detriment is not economic 194  
loss; however, economic loss may be caused by pain and suffering 195  
or physical impairment. 196

(F) (1) "Allowable expense" means reasonable charges 197  
incurred for reasonably needed products, services, and 198  
accommodations, including those for medical care, 199  
rehabilitation, rehabilitative occupational training, and other 200  
remedial treatment and care and including replacement costs for 201  
hearing aids; dentures, retainers, and other dental appliances; 202  
canes, walkers, and other mobility tools; and eyeglasses and 203  
other corrective lenses. It does not include that portion of a 204  
charge for a room in a hospital, clinic, convalescent home, 205  
nursing home, or any other institution engaged in providing 206  
nursing care and related services in excess of a reasonable and 207  
customary charge for semiprivate accommodations, unless 208  
accommodations other than semiprivate accommodations are 209  
medically required. 210

(2) An immediate family member of a victim of criminally 211  
injurious conduct that consists of a homicide, a sexual assault, 212  
domestic violence, or a severe and permanent incapacitating 213  
injury resulting in paraplegia or a similar life-altering 214  
condition, who requires psychiatric care or counseling as a 215  
result of the criminally injurious conduct, may be reimbursed 216  
for that care or counseling as an allowable expense through the 217  
victim's application. The cumulative allowable expense for care 218  
or counseling of that nature shall not exceed two thousand five 219



hundred dollars for each immediate family member of a victim of 220  
that type and seven thousand five hundred dollars in the 221  
aggregate for all immediate family members of a victim of that 222  
type. 223

(3) A family member of a victim who died as a proximate 224  
result of criminally injurious conduct may be reimbursed as an 225  
allowable expense through the victim's application for wages 226  
lost and travel expenses incurred in order to attend criminal 227  
justice proceedings arising from the criminally injurious 228  
conduct. The cumulative allowable expense for wages lost and 229  
travel expenses incurred by a family member to attend criminal 230  
justice proceedings shall not exceed five hundred dollars for 231  
each family member of the victim and two thousand dollars in the 232  
aggregate for all family members of the victim. 233

(4) (a) "Allowable expense" includes reasonable expenses 234  
and fees necessary to obtain a guardian's bond pursuant to 235  
section 2109.04 of the Revised Code when the bond is required to 236  
pay an award to a fiduciary on behalf of a minor or other 237  
incompetent. 238

(b) "Allowable expense" includes attorney's fees not 239  
exceeding one thousand dollars, at a rate not exceeding one 240  
hundred dollars per hour, incurred to successfully obtain a 241  
restraining order, custody order, or other order to physically 242  
separate a victim from an offender. Attorney's fees for the 243  
services described in this division may include an amount for 244  
reasonable travel time incurred to attend court hearings, not 245  
exceeding three hours' round-trip for each court hearing, 246  
assessed at a rate not exceeding thirty dollars per hour. 247

(G) "Work loss" means loss of income from work that the 248  
injured person would have performed if the person had not been 249

injured and expenses reasonably incurred by the person to obtain 250  
services in lieu of those the person would have performed for 251  
income, reduced by any income from substitute work actually 252  
performed by the person, or by income the person would have 253  
earned in available appropriate substitute work that the person 254  
was capable of performing but unreasonably failed to undertake. 255

(H) "Replacement services loss" means expenses reasonably 256  
incurred in obtaining ordinary and necessary services in lieu of 257  
those the injured person would have performed, not for income, 258  
but for the benefit of the person's self or family, if the 259  
person had not been injured. 260

(I) "Dependent's economic loss" means loss after a 261  
victim's death of contributions of things of economic value to 262  
the victim's dependents, not including services they would have 263  
received from the victim if the victim had not suffered the 264  
fatal injury, less expenses of the dependents avoided by reason 265  
of the victim's death. If a minor child of a victim is adopted 266  
after the victim's death, the minor child continues after the 267  
adoption to incur a dependent's economic loss as a result of the 268  
victim's death. If the surviving spouse of a victim remarries, 269  
the surviving spouse continues after the remarriage to incur a 270  
dependent's economic loss as a result of the victim's death. 271

(J) "Dependent's replacement services loss" means loss 272  
reasonably incurred by dependents after a victim's death in 273  
obtaining ordinary and necessary services in lieu of those the 274  
victim would have performed for their benefit if the victim had 275  
not suffered the fatal injury, less expenses of the dependents 276  
avoided by reason of the victim's death and not subtracted in 277  
calculating the dependent's economic loss. If a minor child of a 278  
victim is adopted after the victim's death, the minor child 279

continues after the adoption to incur a dependent's replacement 280  
services loss as a result of the victim's death. If the 281  
surviving spouse of a victim remarries, the surviving spouse 282  
continues after the remarriage to incur a dependent's 283  
replacement services loss as a result of the victim's death. 284

(K) "Noneconomic detriment" means pain, suffering, 285  
inconvenience, physical impairment, or other nonpecuniary 286  
damage. 287

(L) "Victim" means a person who suffers personal injury or 288  
death as a result of any of the following: 289

(1) Criminally injurious conduct; 290

(2) The good faith effort of any person to prevent 291  
criminally injurious conduct; 292

(3) The good faith effort of any person to apprehend a 293  
person suspected of engaging in criminally injurious conduct. 294

(M) "Contributory misconduct" means any conduct of ~~the~~ 295  
~~claimant or of the~~ victim through whom the claimant claims an 296  
award of reparations that is unlawful or intentionally tortious 297  
and that, without regard to the conduct's proximity in time or 298  
space to the criminally injurious conduct, has a causal 299  
relationship to the criminally injurious conduct that is the 300  
basis of the claim. 301

(N) (1) "Funeral expense" means any reasonable charges that 302  
are not in excess of seven thousand five hundred dollars per 303  
funeral and that are incurred for expenses directly related to a 304  
victim's funeral, cremation, or burial and any wages lost or 305  
travel expenses incurred by a family member of a victim in order 306  
to attend the victim's funeral, cremation, or burial. 307

(2) An award for funeral expenses shall be applied first 308  
to expenses directly related to the victim's funeral, cremation, 309  
or burial. An award for wages lost or travel expenses incurred 310  
by a family member of the victim shall not exceed five hundred 311  
dollars for each family member and shall not exceed in the 312  
aggregate the difference between seven thousand five hundred 313  
dollars and expenses that are reimbursed by the program and that 314  
are directly related to the victim's funeral, cremation, or 315  
burial. 316

(O) "Unemployment benefits loss" means a loss of 317  
unemployment benefits pursuant to Chapter 4141. of the Revised 318  
Code when the loss arises solely from the inability of a victim 319  
to meet the able to work, available for suitable work, or the 320  
actively seeking suitable work requirements of division (A) (4) 321  
(a) of section 4141.29 of the Revised Code. 322

(P) "OVI violation" means any of the following: 323

(1) A violation of section 4511.19 of the Revised Code, of 324  
any municipal ordinance prohibiting the operation of a vehicle 325  
while under the influence of alcohol, a drug of abuse, or a 326  
combination of them, or of any municipal ordinance prohibiting 327  
the operation of a vehicle with a prohibited concentration of 328  
alcohol, a controlled substance, or a metabolite of a controlled 329  
substance in the whole blood, blood serum or plasma, breath, or 330  
urine; 331

(2) A violation of division (A) (1) of section 2903.06 of 332  
the Revised Code; 333

(3) A violation of division (A) (2), (3), or (4) of section 334  
2903.06 of the Revised Code or of a municipal ordinance 335  
substantially similar to any of those divisions, if the offender 336

was under the influence of alcohol, a drug of abuse, or a 337  
combination of them, at the time of the commission of the 338  
offense; 339

(4) For purposes of any person described in division (A) 340  
(2) of this section, a violation of any law of the state, 341  
district, territory, or foreign country in which the criminally 342  
injurious conduct occurred, if that law is substantially similar 343  
to a violation described in division (P)(1) or (2) of this 344  
section or if that law is substantially similar to a violation 345  
described in division (P)(3) of this section and the offender 346  
was under the influence of alcohol, a drug of abuse, or a 347  
combination of them, at the time of the commission of the 348  
offense. 349

(Q) "Pendency of the claim" for an original reparations 350  
application or supplemental reparations application means the 351  
period of time from the date the criminally injurious conduct 352  
upon which the application is based occurred until the date a 353  
final decision, order, or judgment concerning that original 354  
reparations application or supplemental reparations application 355  
is issued. 356

(R) "Terrorism" means any activity to which all of the 357  
following apply: 358

(1) The activity involves a violent act or an act that is 359  
dangerous to human life. 360

(2) The act described in division (R)(1) of this section 361  
is committed within the territorial jurisdiction of the United 362  
States and is a violation of the criminal laws of the United 363  
States, this state, or any other state or the act described in 364  
division (R)(1) of this section is committed outside the 365

territorial jurisdiction of the United States and would be a 366  
violation of the criminal laws of the United States, this state, 367  
or any other state if committed within the territorial 368  
jurisdiction of the United States. 369

(3) The activity appears to be intended to do any of the 370  
following: 371

(a) Intimidate or coerce a civilian population; 372

(b) Influence the policy of any government by intimidation 373  
or coercion; 374

(c) Affect the conduct of any government by assassination 375  
or kidnapping. 376

(4) The activity occurs primarily outside the territorial 377  
jurisdiction of the United States or transcends the national 378  
boundaries of the United States in terms of the means by which 379  
the activity is accomplished, the person or persons that the 380  
activity appears intended to intimidate or coerce, or the area 381  
or locale in which the perpetrator or perpetrators of the 382  
activity operate or seek asylum. 383

(S) "Transcends the national boundaries of the United 384  
States" means occurring outside the territorial jurisdiction of 385  
the United States in addition to occurring within the 386  
territorial jurisdiction of the United States. 387

(T) "Cost of crime scene cleanup" means any of the 388  
following: 389

(1) The replacement cost for items of clothing removed 390  
from a victim in order to make an assessment of possible 391  
physical harm or to treat physical harm; 392

(2) Reasonable and necessary costs of cleaning the scene 393

and repairing, for the purpose of personal security, property 394  
damaged at the scene where the criminally injurious conduct 395  
occurred, not to exceed seven hundred fifty dollars in the 396  
aggregate per claim. 397

(U) "Cost of evidence replacement" means costs for 398  
replacement of property confiscated for evidentiary purposes 399  
related to the criminally injurious conduct, not to exceed seven 400  
hundred fifty dollars in the aggregate per claim. 401

(V) "Provider" means any person who provides a victim or 402  
claimant with a product, service, or accommodations that are an 403  
allowable expense or a funeral expense. 404

(W) "Immediate family member" means an individual who 405  
resided in the same permanent household as a victim at the time 406  
of the criminally injurious conduct and who is related to the 407  
victim by affinity or consanguinity. 408

(X) "Family member" means an individual who is related to 409  
a victim by affinity or consanguinity. 410

**Sec. 2743.59.** (A) The attorney general shall fully 411  
investigate a claim for an award of reparations, regardless of 412  
whether any person is prosecuted for or convicted of committing 413  
the criminally injurious conduct alleged in the application. 414  
After completing the investigation, the attorney general shall 415  
make a written finding of fact and decision concerning an award 416  
of reparations. 417

(B) (1) The attorney general may require the claimant to 418  
supplement the application for an award of reparations with any 419  
further information or documentary materials, including any 420  
medical report readily available, that may lead to any relevant 421  
facts in the determination of whether, and the extent to which, 422

a claimant qualifies for an award of reparations. The attorney 423  
general may depose any witness, including the claimant, pursuant 424  
to Civil Rules 28, 30, and 45. 425

(2) (a) For the purpose of determining whether, and the 426  
extent to which, a claimant qualifies for an award of 427  
reparations, the attorney general may issue subpoenas and 428  
subpoenas duces tecum to compel any person or entity, including 429  
any collateral source, that provided, will provide, or would 430  
have provided to the victim any income, benefit, advantage, 431  
product, service, or accommodation, including any medical care 432  
or other income, benefit, advantage, product, service, or 433  
accommodation that might qualify as an allowable expense or a 434  
funeral expense, to produce materials to the attorney general 435  
that are relevant to the income, benefit, advantage, product, 436  
service, or accommodation that was, will be, or would have been 437  
so provided and to the attorney general's determination. 438

(b) If the attorney general issues a subpoena or subpoena 439  
duces tecum under division (B) (2) (a) of this section and if the 440  
materials that the attorney general requires to be produced are 441  
located outside this state, the attorney general may designate 442  
one or more representatives, including officials of the state in 443  
which the materials are located, to inspect the materials on the 444  
attorney general's behalf, and the attorney general may respond 445  
to similar requests from officials of other states. The person 446  
or entity subpoenaed may make the materials available to the 447  
attorney general at a convenient location within the state. 448

(c) At any time before the return day specified in the 449  
subpoena or subpoena duces tecum issued under division (B) (2) (a) 450  
of this section or within twenty days after the subpoena or 451  
subpoena duces tecum has been served, whichever period is 452



shorter, the person or entity subpoenaed may file with a judge 453  
of the court of claims a petition to extend the return day or to 454  
modify or quash the subpoena or subpoena duces tecum. The 455  
petition shall state good cause. 456

(d) A person or entity who is subpoenaed under division 457  
(B) (2) (a) of this section shall comply with the terms of the 458  
subpoena or subpoena duces tecum unless otherwise provided by an 459  
order of a judge of the court of claims entered prior to the day 460  
for return contained in the subpoena or as extended by the 461  
court. If a person or entity fails without lawful excuse to obey 462  
a subpoena or subpoena duces tecum issued under division (B) (2) 463  
(a) of this section or to produce relevant materials, the 464  
attorney general may apply to a judge of the court of claims for 465  
and obtain an order adjudging the person or entity in contempt 466  
of court. 467

(C) The finding of fact and decision that is issued by the 468  
attorney general pursuant to division (A) of this section shall 469  
contain all of the following: 470

(1) Whether the criminally injurious conduct that is the 471  
basis for the application did occur, the date on which the 472  
conduct occurred, and the exact nature of the conduct; 473

(2) Whether the criminally injurious conduct was reported 474  
to a law enforcement officer or agency, the date on which the 475  
conduct was reported, the name of the person who reported the 476  
conduct, and the reasons why the conduct was not reported to a 477  
law enforcement officer or agency; 478

(3) The exact nature of the injuries that the victim 479  
sustained as a result of the criminally injurious conduct; 480

(4) A specific list of the economic loss that was 481

sustained as a result of the criminally injurious conduct by the 482  
victim, the claimant, or a dependent; 483

(5) A specific list of any benefits or advantages that the 484  
victim, the claimant, or a dependent has received or is entitled 485  
to receive from any collateral source for economic loss that 486  
resulted from the conduct and whether a collateral source would 487  
have reimbursed the claimant for a particular expense if a 488  
timely claim had been made, and the extent to which the expenses 489  
likely would have been reimbursed by the collateral source; 490

(6) A description of any evidence in support of 491  
contributory misconduct ~~by the claimant or~~ by the victim through 492  
whom the claimant claims an award of reparations, whether the 493  
victim has been convicted of a felony or has a record of felony 494  
arrests under the laws of this state, another state, or the 495  
United States, whether disqualifying conditions exist under 496  
division (E) of section 2743.60 of the Revised Code, and whether 497  
there is evidence that the victim engaged in an ongoing course 498  
of criminal conduct within ~~five~~ three years or less of the 499  
criminally injurious conduct that is the subject of the claim; 500

(7) Whether the victim of the criminally injurious conduct 501  
was a minor; 502

(8) If the victim of the criminally injurious conduct was 503  
a minor, whether a complaint, indictment, or information was 504  
filed against the alleged offender and, if such a filing 505  
occurred, its date; 506

(9) Any information that is relevant to the claim for an 507  
award of reparations. 508

(D) The decision that is issued by the attorney general 509  
pursuant to division (A) of this section shall contain all of 510

the following: 511

(1) A statement as to whether a claimant is eligible for 512  
an award of reparations, whether payments made pursuant to the 513  
award are to be made to the claimant, to a provider, or jointly 514  
to the claimant and a provider, and the amount of the payments 515  
to the claimant or provider; 516

(2) A statement as to whether any of the payments made 517  
pursuant to the award should be paid in a lump sum or in 518  
installments; 519

(3) If the attorney general decides that an award not be 520  
made to the claimant, the reasons for that decision. 521

(E) The attorney general shall make a written finding of 522  
fact and decision in accordance with sections 2743.51 to 2743.72 523  
of the Revised Code within one hundred twenty days after 524  
receiving the claim application. The attorney general may extend 525  
the one-hundred-twenty-day time limit and shall record in 526  
writing specific reasons to justify the extension. The attorney 527  
general shall notify the claimant of the extension and of the 528  
reasons for the extension. The attorney general shall serve a 529  
copy of its written finding of fact and decision upon the 530  
claimant. 531

**Sec. 2743.60.** (A) The attorney general or the court of 532  
claims shall not make or order an award of reparations to a 533  
claimant if the criminally injurious conduct upon which the 534  
claimant bases a claim never was reported to a law enforcement 535  
officer or agency. 536

(B) (1) The attorney general or the court of claims shall 537  
not make or order an award of reparations to a claimant if any 538  
of the following apply: 539

(a) The claimant is the offender or an accomplice of the 540  
offender who committed the criminally injurious conduct, or the 541  
award would unjustly benefit the offender or accomplice. 542

(b) Except as provided in division (B) (2) of this section, 543  
both of the following apply: 544

(i) The victim was a passenger in a motor vehicle and knew 545  
or reasonably should have known that the driver was under the 546  
influence of alcohol, a drug of abuse, or both. 547

(ii) The claimant is seeking compensation for injuries 548  
proximately caused by the driver described in division (B) (1) (b) 549  
(i) of this section being under the influence of alcohol, a drug 550  
of abuse, or both. 551

(c) Both of the following apply: 552

(i) The victim was under the influence of alcohol, a drug 553  
of abuse, or both and was a passenger in a motor vehicle and, if 554  
sober, should have reasonably known that the driver was under 555  
the influence of alcohol, a drug of abuse, or both. 556

(ii) The claimant is seeking compensation for injuries 557  
proximately caused by the driver described in division (B) (1) (b) 558  
(i) of this section being under the influence of alcohol, a drug 559  
of abuse, or both. 560

(2) Division (B) (1) (b) of this section does not apply if 561  
on the date of the occurrence of the criminally injurious 562  
conduct, the victim was under sixteen years of age or was at 563  
least sixteen years of age but less than eighteen years of age 564  
and was riding with a parent, guardian, or care-provider. 565

(C) The attorney general or the court of claims, upon a 566  
finding that the claimant or victim has not fully cooperated 567

with appropriate law enforcement agencies, may deny a claim or 568  
reconsider and reduce an award of reparations. 569

(D) The attorney general or the court of claims shall 570  
reduce an award of reparations or deny a claim for an award of 571  
reparations that is otherwise payable to a claimant to the 572  
extent that the economic loss upon which the claim is based is 573  
recouped from other persons, including collateral sources. If an 574  
award is reduced or a claim is denied because of the expected 575  
recoupment of all or part of the economic loss of the claimant 576  
from a collateral source, the amount of the award or the denial 577  
of the claim shall be conditioned upon the claimant's economic 578  
loss being recouped by the collateral source. If the award or 579  
denial is conditioned upon the recoupment of the claimant's 580  
economic loss from a collateral source and it is determined that 581  
the claimant did not unreasonably fail to present a timely claim 582  
to the collateral source and will not receive all or part of the 583  
expected recoupment, the claim may be reopened and an award may 584  
be made in an amount equal to the amount of expected recoupment 585  
that it is determined the claimant will not receive from the 586  
collateral source. 587

If the claimant recoups all or part of the economic loss 588  
upon which the claim is based from any other person or entity, 589  
including a collateral source, the attorney general may recover 590  
pursuant to section 2743.72 of the Revised Code the part of the 591  
award that represents the economic loss for which the claimant 592  
received the recoupment from the other person or entity. 593

(E) (1) Except as otherwise provided in division (E) (2) of 594  
this section, the attorney general or the court of claims shall 595  
not make an award to a claimant if any of the following applies: 596

(a) The victim was convicted of a felony within ~~ten~~three 597

years prior to the criminally injurious conduct that gave rise 598  
to the claim or is convicted of a felony during the pendency of 599  
the claim. 600

~~(b) The claimant was convicted of a felony within ten 601~~  
~~years prior to the criminally injurious conduct that gave rise 602~~  
~~to the claim or is convicted of a felony during the pendency of 603~~  
~~the claim. 604~~

~~(c)~~ It is proved by a preponderance of the evidence that 605  
the victim ~~or the claimant~~ engaged, within ~~ten~~ three years prior 606  
to the criminally injurious conduct that gave rise to the claim 607  
or during the pendency of the claim, in an offense of violence, 608  
a violation of section 2925.03 of the Revised Code, or any 609  
substantially similar offense that also would constitute a 610  
felony under the laws of this state, another state, or the 611  
United States. 612

~~(d)~~ (c) The ~~claimant~~ victim was convicted of a violation 613  
of section 2919.22 or 2919.25 of the Revised Code, or of any 614  
state law or municipal ordinance substantially similar to either 615  
section, within ~~ten~~ three years prior to the criminally 616  
injurious conduct that gave rise to the claim or during the 617  
pendency of the claim. 618

~~(e)~~ (d) It is proved by a preponderance of the evidence 619  
that the victim at the time of the criminally injurious conduct 620  
that gave rise to the claim engaged in conduct that was a felony 621  
violation of section 2925.11 of the Revised Code or engaged in 622  
any substantially similar conduct that would constitute a felony 623  
under the laws of this state, another state, or the United 624  
States. 625

(2) The attorney general or the court of claims may make 626

an award to a minor dependent of a deceased victim for the 627  
dependent's economic loss or for counseling pursuant to division 628  
(F) (2) of section 2743.51 of the Revised Code ~~if the minor~~ 629  
~~dependent is not ineligible under division (E) (1) of this~~ 630  
~~section due to the minor dependent's criminal history and if the~~ 631  
victim was not killed while engaging in illegal conduct that 632  
contributed to the criminally injurious conduct that gave rise 633  
to the claim. For purposes of this section, the use of illegal 634  
drugs by the deceased victim shall not be deemed to have 635  
contributed to the criminally injurious conduct that gave rise 636  
to the claim. 637

(F) In determining whether to make an award of reparations 638  
pursuant to this section, the attorney general or the court of 639  
claims shall consider whether there was contributory misconduct 640  
by the victim ~~or the claimant~~. The attorney general or the court 641  
of claims shall reduce an award of reparations or deny a claim 642  
for an award of reparations to the extent it is determined to be 643  
reasonable because of the contributory misconduct of ~~the~~ 644  
~~claimant or the victim~~. 645

When the attorney general decides whether a claim should 646  
be denied because of an allegation of contributory misconduct, 647  
the burden of proof on the issue of that alleged contributory 648  
misconduct shall be upon the claimant, if either of the 649  
following apply: 650

(1) The victim was convicted of a felony more than ~~ten~~ 651  
three years prior to the criminally injurious conduct that is 652  
the subject of the claim or has a record of felony arrests under 653  
the laws of this state, another state, or the United States. 654

(2) There is good cause to believe that the victim engaged 655  
in an ongoing course of criminal conduct within ~~five~~ three years 656

or less of the criminally injurious conduct that is the subject 657  
of the claim. 658

(G) The attorney general or the court of claims shall not 659  
make an award of reparations to a claimant if the criminally 660  
injurious conduct that caused the injury or death that is the 661  
subject of the claim occurred to a victim who was an adult and 662  
while the victim, after being convicted of or pleading guilty to 663  
an offense, was serving a sentence of imprisonment in any 664  
detention facility, as defined in section 2921.01 of the Revised 665  
Code. 666

(H) If a claimant unreasonably fails to present a claim 667  
timely to a source of benefits or advantages that would have 668  
been a collateral source and that would have reimbursed the 669  
claimant for all or a portion of a particular expense, the 670  
attorney general or the court of claims may reduce an award of 671  
reparations or deny a claim for an award of reparations to the 672  
extent that it is reasonable to do so. 673

(I) Reparations payable to a victim and to all other 674  
claimants sustaining economic loss because of injury to or the 675  
death of that victim shall not exceed fifty thousand dollars in 676  
the aggregate. If the attorney general or the court of claims 677  
reduces an award under division (F) of this section, the maximum 678  
aggregate amount of reparations payable under this division 679  
shall be reduced proportionately to the reduction under division 680  
(F) of this section. 681

(J) Nothing in this section shall be construed to prohibit 682  
an award to a claimant whose claim is based on the claimant's 683  
being a victim of a violation of section 2905.32 of the Revised 684  
Code if the claimant was less than eighteen years of age when 685  
the criminally injurious conduct occurred. 686



Sec. 2743.602. The amendments to sections 2743.51, 687  
2743.59, 2743.60, and 2743.65 of the Revised Code made by the 688  
act in which this section was enacted apply to all applications 689  
for an award of reparations filed on or after the effective date 690  
of this section, and to all applications for an award of 691  
reparations filed before the effective date of this section, for 692  
which an award or denial of the claim by the attorney general or 693  
the court of claims has not yet become final. 694

**Sec. 2743.65.** (A) The attorney general shall determine, 695  
and the state shall pay, in accordance with this section 696  
attorney's fees, commensurate with services rendered, to the 697  
attorney representing a claimant under sections 2743.51 to 698  
2743.72 of the Revised Code. The attorney shall submit on an 699  
application form an itemized fee bill at the rate of sixty 700  
dollars per hour upon receipt of the final decision on the 701  
claim. Attorney's fees paid pursuant to this section are subject 702  
to the following maximum amounts: 703

(1) A maximum of seven hundred twenty dollars for claims 704  
resolved without the filing of an appeal to the court of claims; 705

(2) A maximum of one thousand twenty dollars for claims in 706  
which an appeal to the court of claims is filed plus, at the 707  
request of an attorney whose main office is not in Franklin 708  
county, Delaware county, Licking county, Fairfield county, 709  
Pickaway county, Madison county, or Union county, an amount for 710  
the attorney's travel time to attend the oral hearing before the 711  
court of claims at the rate of thirty dollars per hour; 712

(3) A maximum of one thousand three hundred twenty dollars 713  
for claims in which an appeal to the court of claims is filed 714  
plus, at the request of an attorney whose main office is not in 715  
Franklin county, Delaware county, Licking county, Fairfield 716

county, Pickaway county, Madison county, or Union county, an 717  
amount for the attorney's travel time to attend the oral hearing 718  
before the court at the rate of thirty dollars per hour; 719

(4) A maximum of seven hundred twenty dollars for a 720  
supplemental reparations application; 721

(5) A maximum of two hundred dollars if the claim is 722  
denied on the basis of a ~~claimant's or~~ victim's conviction of a 723  
felony offense prior to the filing of the claim. If the ~~claimant~~ 724  
~~or~~ victim is convicted of a felony offense during the pendency 725  
of the claim, the two hundred dollars maximum does not apply. If 726  
the attorney had knowledge of the ~~claimant's or~~ victim's felony 727  
conviction prior to the filing of the application for the claim, 728  
the attorney general may determine that the filing of the claim 729  
was frivolous and may deny attorney's fees. 730

(B) The attorney general may determine that an attorney be 731  
reimbursed for fees incurred in the creation of a guardianship 732  
if the guardianship is required in order for an individual to 733  
receive an award of reparations, and those fees shall be 734  
reimbursed at a rate of sixty dollars per hour. 735

(C) (1) The attorney general shall forward an application 736  
form for attorney's fees to a claimant's attorney before or when 737  
the final decision on a claim is rendered. The application form 738  
for attorney's fees shall do all of the following: 739

(a) Inform the attorney of the requirements of this 740  
section; 741

(b) Require a verification statement comporting with the 742  
law prohibiting falsification; 743

(c) Require an itemized fee statement; 744

(d) Require a verification statement that the claimant was 745  
served a copy of the completed application form; 746

(e) Include notice that the claimant may oppose the 747  
application by notifying the attorney general in writing within 748  
ten days. 749

(2) The attorney general shall forward a copy of this 750  
section to the attorney with the application form for attorney's 751  
fees. The attorney shall file the application form with the 752  
attorney general. The attorney general's decision with respect 753  
to an award of attorney's fees is final ten days after the 754  
attorney general renders the decision and mails a copy of the 755  
decision to the attorney at the address provided by the 756  
attorney. The attorney may request reconsideration of the 757  
decision on grounds that it is insufficient or calculated 758  
incorrectly. The attorney general's decision on the request for 759  
reconsideration is final. 760

(D) The attorney general shall review all application 761  
forms for attorney's fees that are submitted by a claimant's 762  
attorney and shall issue an order approving the amount of fees 763  
to be paid to the attorney within sixty days after receipt of 764  
the application form. 765

(E) No attorney's fees shall be paid for the following: 766

(1) Estate work or representation of a claimant against a 767  
collateral source; 768

(2) Duplication of investigative work required to be 769  
performed by the attorney general; 770

(3) Performance of unnecessary criminal investigation of 771  
the offense; 772

(4) Presenting or appealing an issue that has been 773  
repeatedly ruled upon by the highest appellate authority, unless 774  
a unique set of facts or unique issue of law exists that 775  
distinguishes it; 776

(5) A fee request that is unreasonable, is not 777  
commensurate with services rendered, violates the Ohio code of 778  
professional responsibility, or is based upon services that are 779  
determined to be frivolous. 780

(F) (1) The attorney general may reduce or deny the payment 781  
of attorney's fees to an attorney who has filed a frivolous 782  
claim. Subject to division (A) (5) of this section, the denial of 783  
a claim on the basis of a felony conviction, felony conduct, or 784  
contributory misconduct does not constitute a frivolous claim. 785

(2) As used in this section, "frivolous claim" means a 786  
claim in which there is clearly no legal grounds under the 787  
existing laws of this state to support the filing of a claim on 788  
behalf of the claimant or victim. 789

(G) The attorney general may determine that a lesser 790  
number of hours should have been required in a given case. 791  
Additional reimbursement may be made where the attorney 792  
demonstrates to the attorney general that the nature of the 793  
particular claim required the expenditure of an amount in excess 794  
of that allowed. 795

(H) No attorney shall receive payment under this section 796  
for assisting a claimant with an application for an award of 797  
reparations under sections 2743.51 to 2743.72 of the Revised 798  
Code if that attorney's fees have been allowed as an expense in 799  
accordance with division (F) (4) of section 2743.51 of the 800  
Revised Code. 801

(I) A contract or other agreement between an attorney and 802  
any person that provides for the payment of attorney's fees or 803  
other payments in excess of the attorney's fees allowed under 804  
this section for representing a claimant under sections 2743.51 805  
to 2743.72 of the Revised Code shall be void and unenforceable. 806

(J) Each witness who appears in a hearing on a claim for 807  
an award of reparations shall receive compensation in an amount 808  
equal to that received by witnesses under section 119.094 of the 809  
Revised Code. 810

**Section 2.** That existing sections 2743.51, 2743.59, 811  
2743.60, and 2743.65 of the Revised Code are hereby repealed. 812