

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 267

Senator Schaffer

Cosponsors: Senators Brenner, Cirino

A BILL

To amend section 2307.70 and to enact section 1
309.081 of the Revised Code regarding civil 2
actions by persons who suffer injury or loss due 3
to vandalism or riot activity. 4

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

Section 1. That section 2307.70 be amended and section 5
309.081 of the Revised Code be enacted to read as follows: 6

Sec. 309.081. It is the intent of the General Assembly to 7
encourage prosecution of activities committed in violation of 8
section 2909.05, 2917.02, or 2917.03 of the Revised Code. 9

Sec. 2307.70. ~~(A)~~ (A) (1) Any person who suffers injury or 10
loss to person or property as a result of an act committed in 11
violation of section ~~2909.05, 2927.11,~~ or 2927.12 of the Revised 12
Code has a civil action against the offender and may recover in 13
that action full compensatory damages, including, but not 14
limited to, damages for emotional distress, and may recover 15
punitive or exemplary damages, court costs, other reasonable 16
expenses incurred in maintaining that action, and the reasonable 17
attorney's fees incurred in maintaining that action. 18

(2) (a) Any person who suffers injury or loss to person or property as a result of an act committed in violation of section 2909.05, 2917.02, or 2917.03 of the Revised Code has a civil action against any offender who committed the violation and against any person or organization who provided material support or resources with the intent that the material support or resources would be used to perpetuate the offense. In the action, the person may obtain an order requiring the offender to fix or repair damage to property that was suffered by the person and may recover other damages, as described in divisions (A) (2) (b) and (c) of this section. 19
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(b) (i) In a civil action brought against an offender under division (A) (2) (a) of this section, if the person who brings the action proves that the offender's conduct in violation of section 2909.05, 2917.02, or 2917.03 of the Revised Code or that the conduct of any person in violation of any of those sections that occurred at the same time as, was part of a common scheme or plan with, or was part of a course of criminal conduct with, the offender's violation of any of those sections was a proximate cause of damage to property that was suffered by the person, there is a presumption that the offender shall be required to fix or repair damage to property that occurred as a proximate result of that conduct, in either the manner described in division (A) (2) (d) (i) of this section or the manner described in division (A) (2) (d) (ii) of this section. The presumption applies with respect to each item of property that suffered damage as a proximate result of that conduct. 30
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(ii) The presumption described in division (A) (2) (b) (i) of this section does not apply with respect to a particular item of property, and the court shall not issue an order requiring the offender against whom the civil action is brought to fix or 46
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repair damage to that item of property that occurred as a 50
proximate result of the conduct described in that division, if 51
the offender proves by clear and convincing evidence that the 52
offender did not personally engage in conduct in violation of 53
section 2909.05, 2917.02, or 2917.03 of the Revised Code that 54
was a proximate cause of the damage to that item of property. 55

(iii) When the presumption described in division (A) (2) (b) 56
(i) of this section applies, the court shall issue an order 57
requiring the offender against whom the civil action is brought 58
to fix or repair the damage to property that occurred as a 59
proximate result of the conduct described in that division, in 60
either the manner described in division (A) (2) (d) (i) of this 61
section or the manner described in division (A) (2) (d) (ii) of 62
this section, as determined by the court. 63

(c) In a civil action brought under division (A) (2) (a) of 64
this section, in addition to obtaining an order as described in 65
division (A) (2) (b) of this section requiring the offender 66
against whom the action is brought to fix or repair the damage 67
to property that occurred as a proximate result of conduct 68
described in division (A) (2) (b) (i) of this section, if 69
applicable, the person who brings the action may recover in the 70
action full compensatory damages, including damages for 71
emotional distress, and may recover court costs, other 72
reasonable expenses incurred in maintaining that action, and the 73
reasonable attorney's fees incurred in maintaining that action. 74

(d) As used in division (A) (2) of this section: 75

(i) "Fix or repair damage to property" or "fix or repair 76
the damage to property" that occurred as a proximate result of 77
conduct described in division (A) (2) (b) (i) of this section means 78
either of the following, as ordered by the court: 79

(I) The offender to whom an order issued under that 80
division applies personally fixes or repairs the damage to the 81
property that occurred as a proximate result of the conduct, to 82
the extent practicable; 83

(II) The offender to whom an order issued under that 84
division applies pays the cost of fixing or repairing damage to 85
the property that occurred as a proximate result of the conduct. 86

(ii) "Material support or resources" has the same meaning 87
as in section 2909.21 of the Revised Code. 88

(B) (1) Any person who suffers injury or loss to person or 89
property as a result of an act committed in violation of section 90
2909.05, 2927.11, or 2927.12 of the Revised Code by a minor 91
child has a civil action against the parent of the minor child 92
and may recover in that action compensatory damages not to 93
exceed fifteen thousand dollars, court costs, other reasonable 94
expenses incurred in maintaining that action, and reasonable 95
attorney's fees incurred in maintaining that action. A parent 96
and the parent's minor child are jointly and severally liable as 97
specified in this division for the injury or loss to person or 98
property caused by the minor child's act committed in violation 99
of section 2909.05, 2927.11, or 2927.12 of the Revised Code. If 100
a person recovers compensatory damages from a parent of a minor 101
child pursuant to this division, that recovery does not preclude 102
the person from maintaining a civil action against the minor 103
child pursuant to division (A) of this section. 104

(2) As used in division (B) of this section: 105

(a) "Minor child" means a person who is under eighteen 106
years of age and who is not married at the time of the 107
commission of an act in violation of section 2909.05, 2927.11, 108

or 2927.12 of the Revised Code that gives rise to a civil action 109
under division (B) of this section. 110

(b) "Parent" has the same meaning as in section 3109.09 of 111
the Revised Code. 112

~~(C)~~(C) (1) No government official with authority over any 113
law enforcement agency or peace officers shall do any of the 114
following: 115

(a) Limit or restrict the authority of the agency to have 116
its peace officers, or certain designated peace officers of the 117
agency, arrest or detain individuals involved in a riot or 118
vandalism activity or take action to quell a riot or vandalism 119
activity; 120

(b) Limit or restrict the authority of the officers, or 121
certain designated officers, to arrest or detain individuals 122
involved in a riot or vandalism activity or to take action to 123
quell a riot or vandalism activity. 124

(2) No government official, law enforcement agency, or 125
peace officer shall discharge, demote, reassign, or take any 126
punitive action against any employee because the employee made a 127
charge, testified, assisted, or participated in any manner in 128
any investigation, proceeding, or hearing regarding a violation 129
of division (C) (1) of this section. 130

(3) As used in division (C) of this section: 131

(a) "Government entity" means this state, a state agency 132
as defined in section 1.60 of the Revised Code, a political 133
subdivision, or any entity of local government. 134

(b) "Government official" means any elected or appointed 135
officer, employee, or agent of a government entity, other than a 136

<u>peace officer, whether in a temporary or permanent capacity.</u>	137
<u>(c) "Law enforcement agency" means a government entity</u>	138
<u>that employs peace officers to perform law enforcement duties.</u>	139
<u>(d) "Peace officer" has the same meaning as in section</u>	140
<u>2921.51 of the Revised Code.</u>	141
<u>(e) "Riot or vandalism activity" means any conduct that is</u>	142
<u>in violation of section 2909.05, 2917.02, or 2917.03 of the</u>	143
<u>Revised Code or in violation of any ordinance of a municipal</u>	144
<u>corporation that is substantially equivalent to any of those</u>	145
<u>sections.</u>	146
<u>(D) The monetary limitation upon compensatory damages set</u>	147
<u>forth in section 3109.09 or 3109.10 of the Revised Code does not</u>	148
<u>apply to a civil action brought pursuant to division (A) or,</u>	149
<u>(B), or (C) of this section.</u>	150
(D) <u>(E) A civil action may be maintained under division (A)</u>	151
or <u>(B), or (C) of this section whether or not the person who</u>	152
<u>committed an act in violation of section 2909.05, <u>2917.02,</u></u>	153
<u><u>2917.03,</u> 2927.11, or 2927.12 of the Revised Code has been</u>	154
<u>charged by an indictment, information, or complaint with a</u>	155
<u>violation of any of those sections, has been convicted of or</u>	156
<u>pleaded guilty to a violation of any of those sections, has been</u>	157
<u>charged by a complaint with being a delinquent child for</u>	158
<u>committing an act that is a violation of any of those sections,</u>	159
<u>or has been adjudicated a delinquent child for having committed</u>	160
<u>an act of that nature.</u>	161
(E) <u>(F) No record of conviction, unless obtained by</u>	162
<u>confession in open court, or delinquent child adjudication shall</u>	163
<u>be used as evidence in a civil action brought pursuant to</u>	164
<u>division (A) or (B), or (C) of this section.</u>	165

Section 2. That existing section 2307.70 of the Revised Code is hereby repealed. 166
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