



Aida S. Montano

Final Analysis
Legislative Service Commission

Sub. S.B. 107
124th General Assembly
(As Passed by the General Assembly)

Sens. Armbruster, Jacobson, Johnson, Blessing, Austria, Amstutz, Hottinger, DiDonato, Harris, Spada, Mumper, Ryan

Reps. Willamowski, Seitz, Latta, Manning, Lendrum, Damschroder, Reinhard, Grendell, Widowfield, Clancy, Coates, Schmidt, Distel, Trakas, Setzer, Faber, Metzger, Collier, Perry, Cirelli, Calvert, Young, Sferra, Otterman, Flowers, Hagan, Key, Woodard, DeBose, Roman, Reidelbach, Olman, Buehrer, Hughes, G. Smith, McGregor, Schaffer, Niehaus, Hollister

Effective date: *

ACT SUMMARY

- Generally bars the recovery of damages on a claim for relief in a tort action commenced by a person or the person's legal representative if the person has been convicted of or has pleaded guilty to a felony, or to a misdemeanor offense of violence, arising out of criminal conduct that was a proximate cause of the injury or loss for which relief is claimed in the action.

CONTENT AND OPERATION

Recovery of damages for a criminal act

Under continuing law, anyone injured in person or property by a criminal act has, and may recover full damages in, a civil action unless specifically excepted by law, may recover 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 the common law of Ohio, and may recover punitive or exemplary damages if authorized by R.C. 2315.21 or another

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

section of the Revised Code. A record of a conviction, unless obtained by confession in open court, cannot be used as evidence in that civil action. (R.C. 2307.60(A).)

The act bars a recovery of damages on a claim for relief in a *tort action* (see "Definition," below) by any person or the person's legal representative if either of the following apply (R.C. 2307.60(B)(2)):

(1) The person has been convicted of or has pleaded guilty to a felony arising out of criminal conduct that was a proximate cause of the injury or loss for which relief is claimed in the tort action.

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

The above provisions barring recovery on a claim for relief in a tort action do not apply to civil claims based upon alleged intentionally tortious conduct, alleged violations of the United States Constitution, or alleged violations of statutes of the United States pertaining to civil rights (R.C. 2307.60(B)(3)).

Definition

For purposes of the provisions barring recovery on a claim for relief in a tort action as described above, the act defines "tort action" as a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons. "Tort action" includes, but is not limited to, a product liability claim, an action for wrongful death under R.C. Chapter 2125., and an action based on derivative claims for relief. (R.C. 2307.60(B)(1).)

Other changes

The act makes conforming changes in R.C. 2307.61, 2307.62, and 4399.18.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-08-01	p. 351
Reported, S. Judiciary on Civil Justice	06-21-01	p. 687
Passed Senate (32-0)	06-26-01	p. 706

Reported, H. Civil and Commercial Law	02-14-02	p.	1403
Passed House (94-0)	02-27-02	pp.	1467-1468
Senate concurred in House amendments (33-0)	03-05-02	p.	1544

02-sb107/kl

