



**S.B. 89**

125th General Assembly  
(As Introduced)

Sens. Stivers, Schuring, Miller

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**BILL SUMMARY**

- Expands the definition of "claimant" that applies in the Crime Victims Reparations Law to also include the estate of a deceased victim who currently is within the definition of the term.
- Specifies that a "collateral source" as used in the Crime Victims Reparations Law does not include any benefits received from the Ohio Public Safety Officers Death Benefit Fund.
- Modifies the "allowable expenses" that may be recovered under the Crime Victims Reparations Law by: (1) revising the cumulative allowable expense for certain care or counseling that immediate family members of victims may recover, (2) permitting family members of victims who died as a proximate result of criminally injurious conduct to recover for wages lost and travel expenses incurred in order to attend criminal justice proceedings arising from the criminally injurious conduct, and (3) permitting as an allowable expense, in certain circumstances, attorney's fees not exceeding \$2,500, at a specified rate, incurred for an application for a restraining order, custody order, or other order to physically separate a victim from an offender.
- Modifies the "funeral expenses" that may be recovered under the Crime Victims Reparations Law by: (1) increasing the amount that may be recovered to include any reasonable charges not in excess of \$7,500 per funeral that are incurred for expenses directly related to a victim's funeral, cremation, or burial, (2) allowing recovery of wages lost or travel expenses incurred by a family member of a victim in order to attend the victim's funeral, cremation, or burial, subject to a cap of \$500 for each family member and an aggregate cap of the difference between \$7,500 and expenses directly related to the funeral, cremation, or burial, and (3)

specifying that an award for funeral expenses must be applied first to expenses directly related to the victim's funeral, cremation, or burial.

- Expands the "cost of crime scene cleanup" that may be recovered under the Crime Victims Reparations Law to also include reasonable and necessary costs of repairing, for the purpose of personal security, property damaged at the scene where the criminally injurious conduct occurred.
- Modifies the definition of "immediate family member" that applies to the Crime Victims Reparations Law so that it means an individual who resided in the same permanent household as a victim at the time of the criminally injurious conduct and who is related to the victim by affinity or consanguinity.
- Defines "family member" for purposes of the Crime Victims Reparations Law as an individual who is related to a victim by affinity or consanguinity.
- Specifies that, in addition to the circumstances provided under existing law in which the Attorney General (the AG), a Court of Claims panel of commissioners (a panel), or a Court of Claims judge (a judge) cannot make an award of reparations to a claimant under the Crime Victims Reparations Law, the AG, a panel, or a judge cannot make an award if it is proved by a preponderance of the evidence that the victim at the time of the criminally injurious conduct that gave rise to the claim engaged in a felony violation of R.C. 2925.11 (a series of drug possession offenses) or engaged in any substantially similar conduct that would constitute a felony under the laws of Ohio, another state, or the United States, and, related to this provision, repeals a provision that specifies that, if it is proved by a preponderance of the evidence that the victim engaged at the time of the criminally injurious conduct in a felony violation of R.C. 2925.11, the proof establishes a presumption that the conduct contributed to the criminally injurious conduct and results in a complete denial of the claim.
- Enacts an exception to the existing prohibition in the Crime Victims Reparations Law against the AG, a panel, or a judge making an award of reparations to a claimant in certain circumstances or under the new provision described in the preceding dotpoint, with the exception permitting an award to a minor dependent of a deceased victim for

dependent's economic loss or for counseling if the minor dependent is not ineligible as a result of the application of the existing circumstances or under the new provision due to the minor dependent's criminal history and if the victim was not killed while engaging in illegal conduct that contributed to the criminally injurious conduct that gave rise to the claim.

- Expands the existing provision in the Crime Victims Reparations Law that establishes a "cap" on reparations awards so that, in addition to the existing \$50,000 cap, if the AG, a panel, or a judge reduces because of the contributory misconduct of the claimant or the victim, the \$50,000 cap must be reduced proportionately to the reduction that is made based on the contributory misconduct.
- Specifies that no attorney may receive payment under the general Crime Victims Reparations Law attorney fees provisions for assisting a claimant with an application for an award of reparations under that Law if that attorney's fees have been allowed as an "expense," as described above regarding the definition of "allowable expenses."
- Expands the authorized uses of the existing Reparations Fund to also include the payment of actual costs associated with initiatives by the AG for the apprehension, prosecution, and accountability of offenders and the enhancement of services to crime victims; expenditures from the Fund for the purposes described in this dotpoint during any fiscal year cannot exceed 5% of the balance in the Fund at the close of the preceding fiscal year.
- Modifies the existing procedure for payment of awards under the Crime Victims Reparations Law out of the Reparations Fund to specify that the provision requiring the AG to provide for payment of the claimant or providers in the amount of an award applies only if the amount of the award is \$50 or more.
- Expands the required content of the AG's annual report to the Governor and General Assembly regarding the activities of the program under the Crime Victims Reparations Law to also require the report to include a separate listing for the amount of expenditures made out of the Reparations Fund for payment of costs of administering DNA specimen collection procedures and for payment of actual costs associated with initiatives by the AG for the apprehension, prosecution, and



accountability of offenders and the enhancement of services to crime victims,

- Requires a health care provider or medical records company to provide a copy of medical records without charge to, in addition to certain entities specified under existing law, the AG in accordance with the Crime Victims Reparations Law and any rules that may be adopted under it.
- Specifies that its provisions, other than those regarding the Reparations Fund, apply to claims for reparations filed under the Crime Victims Reparations Law that are based on criminally injurious conduct occurring on or after July 1, 2003.
- Declares an emergency.

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## CONTENT AND OPERATION

### **Background; claims to which bill's provisions apply**

The Crime Victims Reparations Law, contained in R.C. 2743.51 to 2743.72, provides for the making of awards of reparations to crime "victims" or, in certain circumstances, their "dependents" or other specified persons ("claimants" under the Law), for "economic loss" arising from "criminally injurious conduct," if the victim, dependent, or other specified person files a claim for an award with the Attorney General (the AG) and if specified criteria are satisfied (see "**Crime Victims Reparations Law definitions modified by the bill**" and "**Crime Victims Reparations Law definitions unchanged by the bill**," below for definitions of the terms in quotation marks). Awards are made out of the Reparations Fund. The AG generally administers the program established under that Law, and eligibility for an award is determined, depending upon the circumstances present, by the AG, a panel of Court of Claims Administrators, or the Court of Claims itself.

A claim for an award of reparations is commenced by filing an application for an award with the AG. The application may be filed by mail. The application must be in a form prescribed by the AG and must include a release authorizing the AG and the Court of Claims to obtain any report, document, or information that relates to the determination of the claim for an award of reparations that is requested in the application. If the victim of the criminally injurious conduct was an adult, the application must be filed within two years after the occurrence of the criminally injurious conduct; if the victim was a minor, the application must be filed within two years of the victim's 18th birthday or within two years from the date charges are filed against the alleged offender, whichever is later. (R.C. 2743.56--not in the bill.)

The bill modifies certain provisions of the Crime Victims Reparations Law, the law regarding the Reparations Fund, and certain related provisions. The bill specifies that its provisions, other than those included in the section that sets forth the Reparations Fund (R.C. 2743.191), apply to claims for reparations filed under that Law that are based on criminally injurious conduct occurring on or after July 1, 2003 (Section 6).

### **Crime Victims Reparations Law definitions modified by the bill**

The provisions of the Crime Victims Reparations Law that govern eligibility for, and payments of, reparations awards use numerous terms that are defined in the Law. The bill modifies the definitions of "claimant," "collateral source," "allowable expense," "funeral expense," "cost of crime scene cleanup," and "immediate family member" and enacts a new definition of the term "family member." The bill's modifications to these definitions and its new definition are described in this part of this analysis. The other definitions that apply to the Law, unchanged by the bill, are described below in **'Crime Victims Reparations Law definitions unchanged by the bill.'**

#### **Claimant**

**Existing law.** Existing law defines "claimant" for purposes of the Crime Victims Reparations Law as both of the following categories of persons (R.C. 2743.51(A)):

(1) Any of the following persons who claim an award of reparations under that Law: (a) a "victim" who, at the time of the "criminally injurious conduct," was a resident of the United States or a resident of a foreign country the laws of which permit residents of Ohio to recover compensation as victims of offenses committed in that country, (b) a dependent of a deceased victim described in clause (a), (c) a third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, described in clause (a), which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses, or (d) a person authorized to act on behalf of any person described in clause (a), (b), or (c) of this section;

(2) Any of the following persons who claim an award of reparations under that Law: (a) a victim who had a permanent place of residence within Ohio at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, had a permanent place of employment in Ohio, was a member of the regular armed forces of the United States or of the United States Coast Guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve, was retired and receiving Social Security or any other retirement income, was 60 years of age or older, was temporarily in another state for the purpose of receiving medical treatment, was temporarily in another state for the purpose of performing employment-related duties required by an employer located within Ohio as an express condition of employment or employee benefits, was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within Ohio as an express condition of

employment or employee benefits, was a full-time student at an academic institution, college, or university located in another state, or had not departed the geographical boundaries of Ohio for a period exceeding 30 days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state, (b) a dependent of a deceased victim described in clause (a), (c) a third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, described in clause (a), which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses, or (d) a person authorized to act on behalf of any person described in clause (a), (b), or (c).

**Operation of the bill.** The bill expands the definition of "claimant" so that, in addition to the persons included under existing law, the term also includes any of the following:

(1) The estate of a deceased victim who, at the time of the criminally injurious conduct, was a resident of the United States or a resident of a foreign country the laws of which permit residents of Ohio to recover compensation as victims of offenses committed in that country (R.C. 2743.51(A)(1)(e));

(2) The estate of a deceased victim who had a permanent place of residence within Ohio at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, had a permanent place of employment in Ohio, was a member of the regular armed forces of the United States or of the United States Coast Guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve, was retired and receiving Social Security or any other retirement income, was 60 years of age or older, was temporarily in another state for the purpose of receiving medical treatment, was temporarily in another state for the purpose of performing employment-related duties required by an employer located within Ohio as an express condition of employment or employee benefits, was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within Ohio as an express condition of employment or employee benefits, was a full-time student at an academic institution, college, or university located in another state, or had not departed the geographical boundaries of Ohio for a period exceeding 30 days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state (R.C. 2743.51(A)(2)(e)).

**Collateral source**

**Existing law.** Under existing law, "collateral source" means a source of benefits or advantages for economic loss otherwise reparable that the victim or

claimant has received, or that is readily available to the victim or claimant, from any of the following sources: (1) the offender, (2) the government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under the Crime Victims Reparations Law, (3) Social Security, Medicare, and Medicaid, (4) state-required, temporary, nonoccupational disability insurance, (5) workers' compensation, (6) wage continuation programs of any employer, (7) proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct, (8) a contract providing prepaid hospital and other health care services, or benefits for disability, (9) that portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds \$50,000, or (10) any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country. "Collateral source" does not include any money, or the monetary value of any property, that is subject to R.C. 2969.01 to 2969.06, which sets forth the Recovery of Offender's Profits Law. (R.C. 2743.51(B).)

**Operation of the bill.** The bill expands the existing provision that exempts money, and the monetary value of property, that is subject to the Recovery of Offender's Profits Law from the definition of "collateral source" to specify that "collateral source" also does not include any money, or the monetary value of any property, that is received as a benefit from the Ohio Public Safety Officers Death Benefit Fund created by R.C. 742.62 (see **COMMENT 1**).

#### **Allowable expense**

**Existing law.** As stated above, the Crime Victims Reparations Law generally provides for the making of awards of reparations to claimants for "economic loss" arising from criminally injurious conduct. Under existing law, unchanged by the bill (see "**Crime Victims Reparations Law definitions unchanged by the bill,**" below), "economic loss" is defined as consisting of several components, one of which is "allowable expense."

Existing law provides that "allowable expense" means reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care and including replacement costs for eyeglasses and other corrective lenses. "Allowable expense" does not include that portion of a charge for a room in a hospital, clinic, convalescent home, nursing home, or any other institution engaged in providing nursing care and related services in excess of a reasonable and customary charge for semiprivate accommodations, unless accommodations other than semiprivate accommodations are medically required.



Under existing law, an "immediate family member" (see "*Immediate family member*," below) of a victim of criminally injurious conduct that consists of a homicide, a sexual assault, domestic violence, or a severe and permanent incapacitating injury resulting in paraplegia or a similar life-altering condition, who requires psychiatric care or counseling as a result of the criminally injurious conduct, may be reimbursed for that care or counseling as an "allowable expense" through the victim's application; however, *the cumulative allowable expense for care or counseling of that nature for each family member of a victim of that type cannot exceed \$2,500.* (R.C. 2743.51(F).)

*Operation of the bill.* The bill modifies the meaning of "allowable expense" in several ways (R.C. 2743.51(F)):

(1) First, in the existing provision that permits an "immediate family member" of a victim of criminally injurious conduct that consists of a homicide, a sexual assault, domestic violence, or a severe and permanent incapacitating injury resulting in paraplegia or a similar life-altering condition, and who requires psychiatric care or counseling as a result of the criminally injurious conduct, to be reimbursed for that care or counseling as an "allowable expense" through the victim's application, the bill modifies the limitation that specifies a cumulative allowable expense for the family members. Under the bill, the cumulative allowable expense for care or counseling of that nature cannot exceed \$2,500 for each *immediate* family member of a victim of that type *and \$7,500 in the aggregate for all immediate family members of a victim of that type.*

(2) Second, it enacts a provision that specifies that a "family member" (see "*Family member*," below) of a victim who died as a proximate result of criminally injurious conduct may be reimbursed as an "allowable expense" through the victim's application for wages lost and travel expenses incurred *in order to attend criminal justice proceedings arising from the criminally injurious conduct.* The cumulative allowable expense for wages lost and travel expenses incurred by a "family member" to attend criminal justice proceedings cannot exceed \$500 for each family member of the victim and \$2,500 in the aggregate for all family members of the victim.

(3) Third, it enacts a provision that specifies that "allowable expense" includes attorney's fees not exceeding \$2,500, at a rate not exceeding \$150 per hour, incurred for an application for a restraining order, custody order, or other order to physically separate a victim from an offender, if the attorney has not received payment under R.C. 2743.65 (see "*Payment of attorney's fees*," below) for assisting a claimant with an application for an award of reparations under the Law.

### **Funeral expense**

**Existing law.** Under existing law, "funeral expenses" are another component of the "economic loss" that may be included in an award of reparations to claimants for economic loss arising from criminally injurious conduct.

Existing law provides that "funeral expense" means any reasonable charges that are not in excess of \$5,000 per funeral and that are incurred for expenses directly related to a victim's funeral, cremation, or burial (R.C. 2743.51(N)).

**Operation of the bill.** The bill modifies the definition of "funeral expense" in three ways (R.C. 2743.51(N)):

(1) It increases the amount per funeral that is included as a "funeral expense" to any reasonable charges that are *not in excess of \$7,500* per funeral and that are incurred for expenses directly related to a victim's funeral, cremation, or burial.

(2) It expands the definition so that funeral expenses also include any wages lost or travel expenses incurred by a "family member" of a victim in order to attend the victim's funeral, cremation, or burial and provides that an award for wages lost or travel expenses incurred by a "family member" of the victim cannot exceed \$500 for each family member and cannot exceed in the aggregate the difference between \$7,500 and expenses directly related to the victim's funeral, cremation, or burial.

(3) Finally, it specifies that an award for funeral expenses must be applied first to expenses directly related to the victim's funeral, cremation, or burial.

### **Cost of crime scene cleanup**

**Existing law.** Under existing law, the "cost of crime scene cleanup" is another component of the "economic loss" that may be included in an award of reparations to claimants for economic loss arising from criminally injurious conduct.

Existing law provides that "cost of crime scene cleanup" means reasonable and necessary costs of cleaning the scene where the criminally injurious conduct occurred, not to exceed \$750 in the aggregate per claim. (R.C. 2743.51(T).)

**Operation of the bill.** The bill expands the cost of crime scene cleanup to also include reasonable and necessary costs of repairing, for the purpose of personal security, property damaged at the scene where the criminally injurious conduct occurred. Under the bill, "cost of crime scene cleanup" means reasonable and necessary costs of cleaning the scene *and repairing, for the purpose of*

*personal security, property damaged at the scene* where the criminally injurious conduct occurred, not to exceed \$750 in the aggregate per claim. (R.C. 2743.51(T).)

**Immediate family member**

**Existing law.** Under existing law, "immediate family member" means an individual who is related to a victim within the first degree by affinity or consanguinity (R.C. 2743.51(W)).

**Operation of the bill.** Under the bill, "immediate family member" means an individual *who resided in the same permanent household as a victim at the time of the criminally injurious conduct and* who is related to the victim by affinity or consanguinity (R.C. 2743.51(W)).

**Family member**

The bill enacts a definition of the term "family member." Under the bill, "family member" means an individual who is related to a victim by affinity or consanguinity. (R.C. 2743.51(X).)

**Circumstances in which an award of reparations cannot be made; reduction of an award**

**Existing law**

Existing law provides that the AG, a Court of Claims panel of commissioners, or a Court of Claims judge *cannot make or order an award of reparations* to a claimant under the Crime Victims Reparations Law if any of the following apply:

(1) The claimant did not file an application for an award of reparations within the appropriate two-year period specified in R.C. 2743.56, or the criminally injurious conduct upon which the claimant bases a claim was not reported to a law enforcement officer or agency within 72 hours after the occurrence of the conduct, unless it is determined that good cause existed for the failure to report the conduct within the 72-hour period.

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

(3) The victim was a passenger in a motor vehicle and knew or reasonably should have known that the driver was under the influence of alcohol, a drug of abuse, or both, and the claimant is seeking compensation for injuries proximately

caused by the driver being under the influence (this restriction does not apply if on the date of the occurrence of the criminally injurious conduct, the victim was under 16 years of age or was at least 16 years of age but less than 18 years of age and was riding with a parent, guardian, or care-provider);

(4) The victim was under the influence of alcohol, a drug of abuse, or both and was a passenger in a motor vehicle and, if sober, should have reasonably known that the driver was also under the influence, and the claimant is seeking compensation for injuries proximately caused by the driver being under the influence.

(5) The victim was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim;

(6) The claimant was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim;

(7) It is proved by a preponderance of the evidence that the victim or the claimant engaged, within ten years prior to the criminally injurious conduct that gave rise to the claim or during the pendency of the claim, in an offense of violence, a drug trafficking offense, or any substantially similar offense that also would constitute a felony under the laws of Ohio, another state, or the United States;

(8) The claimant was convicted of a violation of R.C. 2919.22 (endangering children) or 2919.25 (domestic violence), or of any state law or municipal ordinance substantially similar to either section, within ten years prior to the criminally injurious conduct that gave rise to the claim or during the pendency of the claim.

(9) The criminally injurious conduct that caused the injury or death that is the subject of the claim occurred to a victim who was an adult and while the victim, after being convicted of or pleading guilty to an offense, was serving a sentence of imprisonment in any detention facility.

Existing law also provides that the AG, a panel of commissioners, or a Court of Claims judge, upon a finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, *may deny a claim or reconsider and reduce an award of reparations.*

Under existing law, in determining whether to make an award of reparations, the AG or panel of commissioners must consider whether there was

"contributory misconduct" by the victim or the claimant. The AG, panel, or Court of Claims judge *must reduce an award of reparations or deny a claim for an award of reparations* to the extent it is determined to be reasonable because of the contributory misconduct of the claimant or the victim. When the AG decides whether a claim should be denied because of an allegation of contributory misconduct, the burden of proof on the issue of that alleged contributory misconduct is upon the claimant, if either of the following apply: (1) the victim was convicted of a felony more than ten years prior to the criminally injurious conduct that is the subject of the claim or has a record of felony arrests under the laws of Ohio, another state, or the United States, or (2) there is good cause to believe that the victim engaged in an ongoing course of criminal conduct within five years or less of the criminally injurious conduct that is the subject of the claim. *For purposes of these provisions, if it is proven by a preponderance of the evidence that the victim engaged in conduct at the time of the criminally injurious conduct that was a felony drug possession offense, the conduct must be presumed to have contributed to the criminally injurious conduct and results in a complete denial of the claim.*

Other provisions of existing law require the AG, a panel of commissioners, or a Court of Claims judge to reduce an award of reparations or deny a claim for an award of reparations that otherwise is payable to a claimant to the extent that the economic loss upon which the claim is based is recouped from other persons, including collateral sources, and provide that, if a claimant recoups all or part of the economic loss upon which a claim is based from any other person or entity, including a collateral source, the AG may recover pursuant to R.C. 2743.72 the part of the award that represents the economic loss for which the claimant received the recoupment from the other person or entity. (R.C. 2743.60.)

### **Operation of the bill**

**New circumstances in which an award is prohibited.** The bill adds another set of circumstances in which the AG, a panel of commissioners, and a Court of Claims judge is prohibited from making an award to a claimant under the Crime Victims Reparations Law. Under the new provision, except as otherwise provided in the next paragraph, the AG, a panel, or a judge cannot make an award to a claimant if it is proved by a preponderance of the evidence that the victim at the time of the criminally injurious conduct that gave rise to the claim engaged in conduct that was a felony drug possession offense or engaged in any substantially similar conduct that would constitute a felony under the laws of Ohio, another state, or the United States. Related to this, the bill repeals the existing provision that specifies that, if it is proved by a preponderance of the evidence that the victim engaged in conduct at the time of the criminally injurious conduct that was a felony drug possession offense, the proof establishes a presumption that the

conduct contributed to the criminally injurious conduct and results in a complete denial of the claim. Thus, under the bill, if it is proved by a preponderance of the evidence that a victim engaged in conduct that was a felony drug possession offense, instead of the proof serving to establish a presumption that the victim contributed to the criminally injurious conduct and resulting in a complete denial of the claim, the proof automatically disqualifies the victim from an award and the AG, a panel, or a judge cannot make an award to a claimant based on the victim's injury. (R.C. 2743.60(E)(1)(e) and repeal of the last paragraph in (F).)

**Exception to specified prohibitions against making an award.** The bill enacts an exception to the existing prohibition against an award of reparations being made to a claimant if the circumstances described above in paragraph (5), (6), (7), or (8) under "**Existing law**" apply or if the new set of circumstances enacted in the bill, as described in the preceding paragraph, apply. Under the bill, the AG, a panel of commissioners, or a Court of Claims judge may make an award to a minor dependent of a deceased victim for dependent's economic loss or for counseling pursuant to R.C. 2743.51(F)(2), as described below in "**Allowable expense**," if the minor dependent is not ineligible as a result of the application of the circumstances described above in paragraph (5), (6), (7), or (8) under "**Existing law**" or the new set of circumstances enacted in the bill due to the minor dependent's criminal history and if the victim was not killed while engaging in illegal conduct that contributed to the criminally injurious conduct that gave rise to the claim. (R.C. 2743.60(E)(2).)

### **Maximum amount of an award of reparations**

#### **Existing law**

Existing law specifies that reparations payable under the Crime Victims Reparations Law to a victim and to all other claimants sustaining economic loss because of injury to or the death of that victim cannot exceed \$50,000 in the aggregate. (R.C. 2743.60(I).)

#### **Operation of the bill**

The bill expands the existing provision that establishes a "cap" on reparations awards. Under the bill, in addition to the \$50,000 cap, if the AG, a panel of commissioners, or a Court of Claims judge reduces an award under the provision of existing law that requires the AG, panel, or judge to *reduce an award of reparations or deny a claim for an award of reparations* to the extent it is determined to be reasonable because of the contributory misconduct of the claimant or the victim, the \$50,000 maximum aggregate amount of reparations payable must be reduced proportionately to the reduction that is made based on the contributory misconduct. (R.C. 2743.60(I).)

## Payment of attorney's fees

### Operation of the bill

Existing law provides for an award of attorney's fees, subject to the application of specified criteria and to specified limitations, to the attorney representing a claimant under the Crime Victims Reparations Law. The existing provisions governing such an award are described below in "Existing law--attorney's fees." The bill enacts an additional limitation on an award of attorney's fees under those existing provisions. The bill specifies that no attorney may receive payment under those provisions for assisting a claimant with an application for an award of reparations under the Crime Victims Reparations Law if that attorney's fees have been allowed as an "expense" in accordance with R.C. 2743.51(F)(4), as described above in "Allowable expense" under "Crime Victims Reparations Law definitions modified by the bill." (R.C. 2743.65(H).)

### Existing law--attorney's fees

Existing law requires the AG to determine, and the state to pay, in accordance with the provisions described below, attorney's fees, commensurate with services rendered, to the attorney representing a claimant under the Crime Victims Reparations Law. The attorney must submit on an application form an itemized fee bill at the rate of \$60 per hour upon receipt of the final decision on the claim. Attorney's fees paid pursuant to this section are subject to the following maximum amounts: (1) a maximum of \$720 for claims resolved without the filing of an appeal to the panel of commissioners, (2) a maximum of \$1,020 for claims in which an appeal to the panel of commissioners is filed plus, at the request of an attorney whose main office is not in certain specified counties (Franklin, Delaware, Licking, Fairfield, Pickaway, Madison, or Union), an amount for the attorney's travel time to attend the oral hearing before the panel of commissioners at the rate of \$30 per hour, (3) A maximum of \$1,320 for claims in which an appeal to a judge of the court of claims is filed plus, at the request of an attorney whose main office is not in any county specified in clause (2), an amount for the attorney's travel time to attend the oral hearing before the judge at the rate of \$30 per hour, (4) a maximum of \$720 for a supplemental reparations application, and (5) a maximum of \$200 if the claim is denied on the basis of a claimant's or victim's conviction of a felony offense prior to the filing of the claim (this cap does not apply if the claimant or victim is convicted of a felony offense during the pendency of the claim; if the attorney had knowledge of the claimant's or victim's felony conviction prior to the filing of the application for the claim, the AG may determine that the filing of the claim was frivolous and may deny attorney's fees. The AG may determine that an attorney be reimbursed for fees incurred in the creation of a guardianship if the guardianship is required in order for an individual

to receive an award of reparations, and those fees shall be reimbursed at a rate of \$60 per hour.

The AG must forward an application form for attorney's fees to a claimant's attorney before or when the final decision on a claim is rendered. The form must provide certain information to the attorney, and require the attorney to provide specified information with the application. The AG must review all applications for attorney's fees and issue an order approving the amount of fees to be paid to the attorney within 60 days after receipt of the application. The AG's decision with respect to an award of attorney's fees is final ten days after the AG renders the decision and mails a copy of it to the attorney. The attorney may request reconsideration of the decision on grounds that it is insufficient or calculated incorrectly, and the AG's decision on the request for reconsideration is final.

No attorney's fees may be paid for the following: (1) estate work or representation of a claimant against a collateral source, (2) duplication of investigative work required to be performed by the attorney general, (3) performance of unnecessary criminal investigation of the offense, (4) presenting or appealing an issue that has been repeatedly ruled upon by the highest appellate authority, unless a unique set of facts or unique issue of law exists that distinguishes it, or (5) a fee request that is unreasonable, is not commensurate with services rendered, violates the Ohio Code of Professional Responsibility, or is based upon services that are determined to be frivolous.

The AG may reduce or deny the payment of attorney's fees to an attorney who has filed a "frivolous claim." Except as previously described, the denial of a claim on the basis of a felony conviction, felony conduct, or contributory misconduct does not constitute a frivolous claim. As used in the attorney's fee provisions, "frivolous claim" means a claim in which there is clearly no legal grounds under the existing laws of Ohio to support the filing of a claim on behalf of the claimant or victim.

Also, the AG may determine that a lesser number of hours should have been required in a given case. Additional reimbursement may be made where the attorney demonstrates to the AG that the nature of the particular claim required the expenditure of an amount in excess of that allowed. A contract or other agreement between an attorney and any person that provides for the payment of attorney's fees or other payments in excess of the attorney's fees allowed under the provisions described above is void and unenforceable. (R.C. 2743.65.)

## Reparations Fund

### Use, and sources, of the Fund

**Existing law.** Existing law creates in the state treasury the Reparations Fund and specifies that the Fund may be used only for the following purposes: (1) the payment of awards of reparations that are granted by the AG under the Crime Victims Reparations Law, (2) the compensation of any personnel needed by the AG to administer that Law, (3) the compensation of witnesses under that Law as provided in R.C. 2743.65, (4) other administrative costs of hearing and determining claims for an award of reparations by the AG under that Law, (5) the costs of administering R.C. 2907.28 and 2969.01 to 2969.06, (6) the costs of investigation and decision-making as certified by the AG, (7) the provision of state financial assistance to victim assistance programs in accordance with R.C. 109.91 and 109.92, (8) the costs of paying the expenses of sex offense-related examinations and antibiotics pursuant to R.C. 2907.28, (9) the cost of printing and distributing the crime victims rights pamphlet prepared by the AG pursuant to R.C. 109.42, (10) subject to R.C. 2743.71, the costs associated with the printing and providing of information cards or other printed materials to law enforcement agencies and prosecuting authorities and with publicizing the availability of awards of reparations pursuant to that Law, and (11) the payment of costs of administering a DNA specimen collection procedure pursuant to R.C. 2152.74 in relation to any act identified in division (E)(1) to (5) of that section and pursuant to R.C. 2901.07 in relation to any act identified in division (E)(1) to (5) of that section, of performing DNA analysis of those DNA specimens, and of entering the resulting DNA records regarding those analyses into the DNA database pursuant to R.C. 109.573.

Existing law specifies that all costs paid pursuant to R.C. 2743.70 (see **COMMENT 2**), the portions of license reinstatement fees mandated by R.C. 4511.191(L)(2)(b) to be credited to the Fund, the portions of the proceeds of the sale of a forfeited vehicle specified in R.C. 4503.234(D)(2), payments collected by the Department of Rehabilitation and Correction from prisoners who voluntarily participate in an approved work and training program pursuant to R.C. 5145.16(C)(8)(b)(ii), and all moneys collected by the state pursuant to its right of subrogation provided in R.C. 2743.72 must be deposited in the Fund.

**Operation of the bill.** The bill expands the authorized uses of the Reparations Fund to also include, in addition to the uses authorized under existing law, the payment of actual costs associated with initiatives by the AG for the apprehension, prosecution, and accountability of offenders and the enhancement of services to crime victims. Expenditures from the Fund for the purposes described in this paragraph during any fiscal year cannot exceed 5% of the balance in the Fund at the close of the preceding fiscal year. (R.C. 2743.191(A).)

**Procedure for payment of an award of reparations under the Crime Victims Reparations Law**

**Existing law.** Existing law provides that, in making an award of reparations under the Crime Victims Reparations Law, the AG must render the award against the state. The award may be accomplished only through the following procedure, and the following procedure may be enforced by writ of mandamus directed to the appropriate official: (1) the AG must provide for payment of the claimant or providers in the amount of the award, (2) the expense must be charged against all available unencumbered moneys in the Reparations Fund, (3) if sufficient unencumbered moneys do not exist in the Fund, the AG must make application for payment of the award out of the Emergency Purposes Account or any other appropriation for emergencies or contingencies, and payment out of this Account or other appropriation must be authorized if there are sufficient moneys greater than the sum total of then-pending Emergency Purposes Account requests or requests for releases from the other appropriations, and (4) if sufficient moneys do not exist in the Account or any other appropriation for emergencies or contingencies to pay the award, the AG must request the General Assembly to make an appropriation sufficient to pay the award, and no payment may be made until the appropriation has been made (the AG must make this appropriation request during the current biennium and during each succeeding biennium until a sufficient appropriation is made; if, prior to the time that an appropriation is made by the General Assembly under this provision, the Fund has sufficient unencumbered funds to pay the award or part of the award, the available funds must be used to pay the award or part of the award, and the appropriation request must be amended to request only sufficient funds to pay that part of the award that is unpaid).

The AG cannot make payment on a decision or order granting an award until all appeals have been determined and all rights to appeal exhausted, except as otherwise provided in the Law. If any party to a claim for an award of reparations appeals from only a portion of an award, and a remaining portion provides for the payment of money by the state, that part of the award calling for the payment of money by the state and not a subject of the appeal must be processed for payment as described above.

**Operation of the bill.** The bill modifies the existing payment procedure described above to specify that, under the provision set forth in clause (1) of that description, the AG must provide for payment of the claimant or providers in the amount of the award *only if the amount of the award is \$50 or more*. The bill does not change the other portions of the existing payment procedure described above. (R.C. 2743.191(B).)

**Attorney General report to Governor and General Assembly regarding Crime Victims Reparations Program**

**Existing law**

Existing law requires the AG to prepare and transmit annually to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses a report of the activities of the Crime Victims Reparations Program. The report must include the number of claims filed, the number of awards made and the amount of each award, and a statistical summary of awards made and denied, including the average size of awards; the balance in the Reparations Fund, with a listing by source and amount of the moneys that have been deposited in the Fund; and the amount that has been withdrawn from the Fund, including separate listings of the administrative costs incurred by the AG and a Court of Claims panel of commissioners, compensation of judges and court personnel, and the amount awarded as attorney's fees. The Director of Budget and Management must assist the AG in the preparation of the report. (R.C. 2743.69.)

**Operation of the bill**

The bill expands the required content of the AG's annual report to the Governor and General Assembly to also require the report to include, in the part that indicates amounts withdrawn from the Reparations Fund, a separate listing for the amount of expenditures made under R.C. 2743.191(A)(1)(k) and (l) for payment of costs of administering DNA specimen collection procedures and for payment of actual costs associated with initiatives by the AG for the apprehension, prosecution, and accountability of offenders and the enhancement of services to crime victims, as described above in "**Reparations Fund**" (R.C. 2743.69).

**Health care provider records**

**Existing law**

Existing law provides that, through December 31, 2004, each health care provider and medical records company must provide copies of medical records in accordance with the provisions described below.

Generally, a health care provider or medical records company that receives a request for a copy of a patient's medical record may charge not more than the amounts described below. Total costs for copies and all services related to those copies shall not exceed the sum of the following: (1) an initial fee of \$15, which is to compensate for the records search, (2) with respect to data recorded on paper, \$1 per page for the first ten pages, 50¢ per page for pages 11 through 50, and 20¢

per page for pages 51 and higher, (3) with respect to data recorded other than on paper, the actual cost of making the copy, and (4) the actual cost of any related postage incurred by the health care provider or medical records company. A health care provider or medical records company may enter into a contract with a patient, a patient's representative, or an insurer for the copying of medical records at a fee other than as provided in this paragraph.

However, a health care provider or medical records company must provide one copy without charge to the following: (1) the Bureau of Workers' Compensation, in accordance with R.C. Chapters 4121. and 4123. and the rules adopted under them, (2) the Industrial Commission, in accordance with R.C. Chapters 4121. and 4123. and the rules adopted under them, (3) the Department of Job and Family Services, in accordance with R.C. Chapter 5101. and the rules adopted under those chapters, and (4) a patient or patient's representative if the medical record is necessary to support a claim under Title II or Title XVI of the federal Social Security Act and the request is accompanied by documentation that a claim has been filed. The "one copy without charge" provision is not to be construed to supersede any rule of the Bureau, Commission, or Department.

Existing law states that the above-described provisions do not apply to either of the following: (1) copies of medical records provided to insurers authorized under R.C. Title XXXIX to do the business of sickness and accident insurance in Ohio or health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code, or (2) medical records the copying of which is covered by R.C. 173.20 or by 42 C.F.R. 483.10. Also, existing law states that nothing in those provisions requires or precludes the distribution of medical records at any particular cost or fee to insurers authorized under R.C. Title XXXIX to do the business of sickness and accident insurance in Ohio or health insuring corporations holding a certificate of authority under R.C. Chapter 1751. (R.C. 3701.741.)

### **Operation of the bill**

The bill expands the existing "one copy without charge" provisions described above to also require a health care provider or medical records company to provide a copy of medical records without charge to, in addition to the entities specified under existing law, the AG in accordance with the Crime Victims Reparations Law and any rules that may be adopted under it (R.C. 3701.441).

### **Crime Victims Reparations Law definitions unchanged by the bill**

Existing law, unchanged by the bill, defines the following terms for use in the Crime Victims Reparations Law:

(1) "Criminally injurious conduct" means one of the following (R.C. 2743.51(C)):

(a) For the purposes of any person described in R.C. 2743.51(A)(1), which is the part of the definition of "claimant" described in paragraph (1) under "Claimant," above, any conduct that occurs or is attempted in Ohio; 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 this state. "Criminally injurious conduct" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when: (i) the person engaging in the conduct intended to cause personal injury or death, (ii) 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, (iii) the person engaging in the conduct was using the vehicle in a manner that constitutes an OMVI violation, or (iv) 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 R.C. 2903.08.

(b) For the purposes of any person described in R.C. 2743.51(A)(2), which is the part of the definition of "claimant" described in paragraph (2) under "Claimant," above, 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: (i) the person engaging in the conduct intended to cause personal injury or death, (ii) 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 the state, district, territory, or foreign country in which the conduct occurred or was attempted, (iii) the person engaging in the conduct was using the vehicle in a manner that constitutes an OMVI violation, or (iv) the conduct occurred on or after July 25, 1990, the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to a violation of R.C. 2903.08.

(c) For the purposes of any person described in the definition of "claimant" (see "Claimant," above), terrorism that occurs within or outside the territorial jurisdiction of the United States.

(2) "Dependent" means an individual wholly or partially dependent upon the victim for care and support, and includes a child of the victim born after the victim's death (R.C. 2743.51(D)).

(3) "Economic loss" means economic detriment consisting only of "allowable expense," "work loss," "funeral expense," "unemployment benefits loss," "replacement services loss," cost of crime scene cleanup, and cost of evidence replacement. If criminally injurious conduct causes death, economic loss includes a dependent's economic loss and a dependent's replacement services loss. "Noneconomic detriment" is not economic loss; however, economic loss may be caused by pain and suffering or physical impairment. (R.C. 2743.51(E).)

(4) "Work loss" means loss of income from work that the injured person would have performed if the person had not been injured and expenses reasonably incurred by the person to obtain services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by the person, or by income the person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake (R.C. 2743.51(G)).

(5) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of the person's self or family, if the person had not been injured (R.C. 2743.51(H)).

(6) "Dependent's economic loss" means loss after a victim's death of contributions of things of economic value to the victim's dependents, not including services they would have received from the victim if the victim had not suffered the fatal injury, less expenses of the dependents avoided by reason of the victim's death. If a minor child of a victim is adopted after the victim's death, the minor child continues after the adoption to incur a dependent's economic loss as a result of the victim's death. If the surviving spouse of a victim remarries, the surviving spouse continues after the remarriage to incur a dependent's economic loss as a result of the victim's death. (R.C. 2743.51(I).)

(7) "Dependent's replacement services loss" means loss reasonably incurred by dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed for their benefit if the victim had not suffered the fatal injury, less expenses of the dependents avoided by reason of the victim's death and not subtracted in calculating the dependent's

economic loss. If a minor child of a victim is adopted after the victim's death, the minor child continues after the adoption to incur a dependent's replacement services loss as a result of the victim's death. If the surviving spouse of a victim remarries, the surviving spouse continues after the remarriage to incur a dependent's replacement services loss as a result of the victim's death. (R.C. 2743.51(J).)

(8) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, or other nonpecuniary damage (R.C. 2743.51(K)).

(9) "Victim" means a person who suffers personal injury or death as a result of any of the following (R.C. 2743.51(L)): (a) criminally injurious conduct, (b) the good faith effort of any person to prevent criminally injurious conduct, or (c) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.

(10) "Contributory misconduct" means any conduct of the claimant or of the victim through whom the claimant claims an award of reparations that is unlawful or intentionally tortious and that, without regard to the conduct's proximity in time or space to the criminally injurious conduct, has a causal relationship to the criminally injurious conduct that is the basis of the claim (R.C. 2743.51(M)).

(11) "Unemployment benefits loss" means a loss of unemployment benefits pursuant to R.C. Chapter 4141. when the loss arises solely from the inability of a victim to meet the able to work, available for suitable work, or the actively seeking suitable work requirements of R.C. 4141.29(A)(4)(a) (R.C. 2743.51(O)).

(12) "OMVI violation" means any of the following (R.C. 2743.51(P)): (a) a violation of R.C. 4511.19, of any municipal ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of any municipal ordinance prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, (b) a violation of R.C. 2903.06(A)(1), (c) a violation of R.C. 2903.06(A)(2), (3), or (4) or of a municipal ordinance substantially similar to any of those divisions, if the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, at the time of the commission of the offense, or (d) for purposes of any person described in R.C. 2743.51(A)(2), which is the part of the definition of "claimant" described in paragraph (2) under "*Claimant*," above, a violation of any law of the state, district, territory, or foreign country in which the criminally injurious conduct occurred, if that law is substantially similar to a violation described in clause (a) or (b) of this paragraph or if that law is substantially similar to a violation described in clause (c) of this paragraph and the offender was under

the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, at the time of the commission of the offense.

(13) "Pendency of the claim" for an original reparations application or supplemental reparations application means the period of time from the date the criminally injurious conduct upon which the application is based occurred until the date a final decision, order, or judgment concerning that original reparations application or supplemental reparations application is issued (R.C. 2743.51(Q)).

(14) "Terrorism" means any activity to which all of the following apply (R.C. 2743.51(R)): (a) the activity involves a violent act or an act that is dangerous to human life, (b) the act described in clause (a) is committed within the territorial jurisdiction of the United States and is a violation of the criminal laws of the United States, Ohio, or any other state or that act is committed outside the territorial jurisdiction of the United States and would be a violation of the criminal laws of the United States, Ohio, or any other state if committed within the territorial jurisdiction of the United States, (c) the activity appears to be intended to intimidate or coerce a civilian population, to influence the policy of any government by intimidation or coercion, or to affect the conduct of any government by assassination or kidnapping, and (d) the activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in which the perpetrator or perpetrators of the activity operate or seek asylum.

(15) "Transcends the national boundaries of the United States" means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States (R.C. 2743.51(S)).

(16) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed \$750 in the aggregate per claim (R.C. 2743.51(U)).

(17) "Provider" means any person who provides a victim or claimant with a product, service, or accommodations that are an allowable expense or a funeral expense (R.C. 2743.51(V)).

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## COMMENT

1. Existing R.C. 742.62, which is located in the Police and Fire Pension Fund Law and is not in the bill, creates the Ohio Public Safety Officers Death Benefit Fund as the fund to which is to be credited contributions paid by the state and any moneys resulting from gifts made to the Fund. The board of trustees of

the Ohio Police and Fire Pension Fund are the trustees of the Ohio Public Safety Officers Death Benefit Fund, and the board has the same powers as provided in R.C. 742.10, regarding the Ohio Police and Fire Pension Fund, in administering the Ohio Public Safety Officers Death Benefit Fund. Existing R.C. 742.63, not in the bill, provides for the payment of death benefits to the spouse, to the child or children if there is no spouse, or to both the spouse and the child or children, of members of the Ohio Police and Fire Pension Fund, members of the State Highway Patrol Retirement System, or members of the Public Employees Retirement System who at the time of their death were serving in a specified law enforcement capacity and who are killed in the line of duty.

2. Existing R.C. 2743.70, which is not in the bill, requires the court in which any person is convicted of or pleads guilty to any offense other than a traffic offense that is not a "moving violation" to impose the following sum as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender: (a) \$30, if the offense is a felony, or (b) \$9, if the offense is a misdemeanor. The court cannot waive the payment of the \$30 or \$9 costs unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender. All such moneys must be transmitted on the first business day of each month by the clerk of the court to the Treasurer of State and deposited by the Treasurer in the Reparations Fund. Whenever a person is charged with any offense other than a traffic offense that is not a "moving violation" and posts bail, the court must add to the amount of the bail the \$30 or \$9 required as described in this paragraph. The \$30 or \$9 must be retained by the clerk of the court until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the person is convicted, pleads guilty, or forfeits bail, the clerk must transmit the \$30 or \$9 to the Treasurer of State, who must deposit it in the Reparations Fund. If the person is found not guilty or the charges are dismissed, the clerk must return the \$30 or \$9 to the person.

Existing law also requires the juvenile court in which a child is found to be a delinquent child or a juvenile traffic offender for an act which, if committed by an adult, would be an offense other than a traffic offense that is not a "moving violation" to impose the following sum as costs in the case in addition to any other court costs that the court is required or permitted by law to impose upon the delinquent child or juvenile traffic offender: (a) \$30, if the act, if committed by an adult, would be a felony, or (b) \$9, if the act, if committed by an adult, would be a misdemeanor. The \$30 or \$9 costs must be collected in all cases unless the court determines the juvenile is indigent and waives the payment of all court costs, or enters an order on its journal stating that it has determined that the juvenile is indigent, that no other court costs are to be taxed in the case, and that the payment of the \$30 or \$9 court costs is waived. All such moneys collected during a month

must be transmitted on or before the 20th of the following month by the clerk of the court to the Treasurer of State and deposited by the Treasurer in the Reparations Fund.

No person may be placed or held in jail for failing to pay the additional \$30 or \$9 court costs or bail that are required to be paid under these provisions. As used in these provisions, "moving violation" means any violation of any statute or ordinance, other than R.C. 4513.263, or an ordinance that is substantially equivalent to that section, that regulates the operation of vehicles, streetcars, or trackless trolleys on highways or streets or that regulates size or load limitations or fitness requirements of vehicles; "moving violation" does not include the violation of any statute or ordinance that regulates pedestrians or the parking of vehicles.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-20-03	p. 351

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