



H.B. 570

126th General Assembly
(As Introduced)

Rep. T. Patton

BILL SUMMARY

- Allows a qualifying claimant to file a claim for an award of reparations under the Crime Victims Reparations Law if the person suffers economic loss from conduct that caused serious physical harm to a person and constituted a violation of either the offense of "failure to stop after an accident" or "failure to stop after a nonpublic road accident."
- Provides that if the type of conduct described in the previous dot point occurred on or after July 1, 2000, an application for an award of reparations must be filed within two years after the effective date of the bill or as provided under current law, whichever is later.

CONTENT AND OPERATION

Expansion of the Crime Victims Reparations Law

The bill allows a qualifying claimant to file a claim for an award of reparations from the Reparations Fund if the person suffers economic loss from criminally injurious conduct that includes conduct arising out of the ownership, maintenance, or use of a motor vehicle when the person engaging in the conduct acted in a manner that caused serious physical harm to a person and constituted a violation of either the offense of "failure to stop after an accident" or "failure to stop after a nonpublic road accident" (see **COMMENT** for an explanation of these offenses). If this type of criminally injurious conduct occurred on or after July 1, 2000, the bill provides that an application for an award of reparations must be filed within two years after the effective date of the bill or as provided under current law, whichever is later, as described below in **'Background: the Crime Victims Reparations Law.'** (R.C. 2743.51(C)(1)(e) and (2)(e) and 2743.56(B)(3).)

Background: the Crime Victims Reparations Law

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. A claim for an award must be filed as follows (R.C. 2743.56(B)):

(1) If the victim of the conduct was a minor, within two years of the victim's 18th birthday or within two years from the date a complaint, indictment, or information is filed against the alleged offender, whichever is later.

(2) If the victim was an adult, within two years after the occurrence of the conduct.

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.

Applicable definitions

"Claimant" means both of the following categories of persons (R.C. 2743.51(A)):

(1) Any of the following persons who claim an award of reparations:

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

(i) A U.S. resident;

(ii) 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 who is described in (a), above;

(c) A qualifying third person who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in (a), above, 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;

(d) A person who is authorized to act on behalf of any person who is described in (a), (b), or (c);

(e) The estate of a deceased victim who is described in (a), above.

(2) Any of the following persons who claim an award of reparations:

(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, complied with any one of the following:

(i) Had a permanent place of employment in Ohio;

(ii) Was a member of the regular armed forces of the United States or of the U.S. coast guard or was a full-time member of the Ohio organized militia or of the U.S. army reserve, naval reserve, or air force reserve;

(iii) Was retired and receiving social security or any other retirement income;

(iv) Was 65 years age or older;

(v) Was temporarily in another state for the purpose of receiving medical treatment;

(vi) 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;

(vii) 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;

(viii) Was a full-time student at an academic institution, college, or university located in another state;

(ix) 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 who is described in (a), above;

(c) A qualifying third person who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in (a), above, 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;

(d) A person who is authorized to act on behalf of any person who is described in (a), (b), or (c), above;

(e) The estate of a deceased victim who is described in (a), above.

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

(1) For the purposes of any person described in paragraph (1) of the definition of "claimant," 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. For the purposes of any person described in paragraph (2) of the definition of "claimant," 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 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 Ohio.

(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 R.C. 2903.08 (vehicular assault offenses).

(2) For the purposes of any person described in (1), above, terrorism that occurs within or outside the territorial jurisdiction of the United States.



"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)).

"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).)

COMMENT

R.C. 4549.02 provides that in case of accident to or collision with persons or property upon any of the public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, immediately must stop the driver's or operator's motor vehicle at the scene of the accident or collision and must remain at the scene of the accident or collision until the driver or operator has given the driver's or operator's name and address and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to any person injured in the accident or collision or to the operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision, or to any police officer at the scene of the accident or collision. In the event the injured person is unable to comprehend and record the required information, the other driver involved in the accident or collision forthwith must notify the nearest police authority concerning the location of the accident or collision, and the driver's name, address, and the registered number of the motor vehicle the driver was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance. If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle must securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle. A violation of this provision is the offense of "failure to stop after an accident," the penalty for which ranges from a misdemeanor of the first degree to a felony of the third degree depending on whether serious physical harm or death results.

R.C. 4549.021 provides that in case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any

motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, must stop, and, upon request of the person injured or damaged, or any other person, must give that person the driver's or operator's name and address, and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the driver's or operator's driver's or commercial driver's license. If the owner or person in charge of the damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision, within 24 hours after the accident or collision, must forward to the appropriate law enforcement agency the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision. If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle must securely attach the required information, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle. A violation of this provision is the offense of "failure to stop after a nonpublic road accident," the penalty for which ranges from a misdemeanor of the first degree to a felony of the third degree depending on whether serious physical harm or death results.

HISTORY

ACTION	DATE
Introduced	04-25-06

