



Ohio Legislative Service Commission

Bill Analysis

Dennis M. Papp

Sub. H.B. 108

130th General Assembly
(As Passed by the House)

Reps. Baker and Schuring, Antonio, Beck, Cera, Derickson, Duffey, Gonzales, C. Hagan, Lundy, Milkovich, Rogers, Sprague, Stebelton, Strahorn, Szollosi, Butler, Celebrezze, Pillich, Winburn, R. Adams, Amstutz, Anielski, Ashford, Barborak, Barnes, Bishoff, Blair, Blessing, Boose, Boyce, Brenner, Brown, Buchy, Budish, Burkley, Carney, Conditt, Curtin, Damschroder, DeVitis, Dovilla, Driehaus, Fedor, Foley, Gerberry, Green, Grossman, Hackett, R. Hagan, Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kunze, Landis, Lynch, Maag, McClain, McGregor, O'Brien, Patmon, Patterson, Pelanda, Perales, Phillips, Ramos, Romanchuk, Ruhl, Sears, Slaby, Slesnick, Smith, Stautberg, Stinziano, Sykes, Terhar, Williams, Young, Batchelder

BILL SUMMARY

- Adds two members to the State Victims Assistance Advisory Council.
- Defines "rape crisis program" for purposes of the bill as any of the following: (1) the federally designated nonprofit state sexual assault coalition, (2) a victim witness assistance program operated by a prosecuting attorney, or (3) a program operated by a government-based or nonprofit entity that provides a full continuum of services to victims of sexual assault, that does not provide medical services, and that may refer victims to physicians for medical care but does not engage in or refer for services for which the use of genetic services funds is prohibited.
- Creates in the state treasury the Rape Crisis Program Trust Fund, consisting of specified additional fines imposed by the bill, sex offender registration fees imposed by the bill, appropriations, and donations, to help fund rape crisis programs, sets forth the purposes for which the funds may be used, and requires the Attorney General to adopt rules governing the application for and distribution of money in the Fund.
- Authorizes a court to impose a discretionary fine of \$50 to \$500 on a person convicted of a sexually oriented or child-victim oriented felony offense, with the fine money going to the Rape Crisis Program Trust Fund.

- Establishes a one-time \$100 sex offender registration fee that is in addition to any current sex offender registration fees, authorizes the Attorney General to recover unpaid fees, and authorizes a court that imposes a community control sanction on a person convicted of a sexually oriented or child-victim oriented offense to make payment of the fee a condition of community control.
- Appropriates \$1 million in each year of the FY 2014-FY 2015 biennium to the Office of the Attorney General to fund rape crisis centers.

CONTENT AND OPERATION

State Victims Assistance Advisory Council

The bill adds two members to the State Victims Assistance Advisory Council. One new member must represent the interests of individuals with mental illness, and the other must be either a board member of any statewide or local organization that exists primarily to aid victims of sexual violence or an employee of or a counselor for an organization that exists primarily to aid victims of sexual violence.¹ The Council, which is affiliated with the Attorney General's Office, currently consists of a chairperson appointed by the Attorney General, three ex officio members (the Attorney General, one member of the House of Representatives, and one member of the Senate), and 15 members appointed by the Attorney General as representatives of various interests or agencies (such as local victim assistance programs, probation offices and law enforcement agencies, and the judiciary) or as private citizens. The Council advises the Crime Victims Assistance Office (which is within the office of the Attorney General) in determining crime and delinquency victim service needs and related state policies, and it makes recommendations concerning the victim assistance programs that should be considered for the receipt of state financial support. A "victim assistance program" includes but is not limited to a program that provides at least one of the following (but not including the state program for the reparation of crime victims):

(1) Services to victims of any offense of violence or delinquent act that would be an offense of violence if committed by an adult;

(2) Financial assistance or property repair services to victims of crime or delinquent acts;

(3) Assistance to victims of crime or delinquent acts in judicial proceedings;

¹ R.C. 109.91(B).



(4) Assistance to victims of crime or delinquent acts under the operation of a political subdivision or a law enforcement agency, court, or prosecutor's and public defender's office;

(5) Technical assistance to persons or organizations that provide services to victims of crime or delinquent acts under the operation of a law enforcement agency, court, or prosecutor's and public defender's office.²

Rape crisis program funding

The bill creates a funding mechanism for rape crisis programs.

For purposes of the bill, a "rape crisis program" is any of the following:³

(1) The nonprofit state sexual assault coalition designated by the Center for Injury Prevention and Control of the federal Centers for Disease Control and Prevention;

(2) A victim witness assistance program operated by a prosecuting attorney;

(3) A program operated by a government-based or nonprofit entity that provides a full continuum of services to victims of sexual assault (see below), including hotlines, victim advocacy, and support services from the onset of the need for services through the completion of healing, that does not provide medical services, and that may refer victims to physicians for medical care but does not engage in or refer for services for which the use of genetic services funds is prohibited by R.C. 3701.511 (see below).

"Sexual assault" means any of the following:⁴

(1) A violation of R.C. 2907.02 (rape), 2907.03 (sexual battery), 2907.04 (unlawful sexual conduct with a minor), 2907.05 (gross sexual imposition), or former 2907.12 (felonious sexual penetration);

(2) A violation of an existing or former municipal ordinance or law of Ohio or any other state or the United States that is or was substantially equivalent to any section listed in (1), above.

² R.C. 109.91(B), (C), and (D).

³ R.C. 109.921(A)(1).

⁴ R.C. 109.921(A)(2).



R.C. 3701.511, not in the bill, prohibits the use of funds appropriated to administer the programs authorized by R.C. 3701.501 and 3701.502 to counsel or refer for abortion, except in the case of a medical emergency. The cited sections require the screening of all newborn children for the presence of genetic, endocrine, and metabolic disorders (unless the parents object on religious grounds) and require the Director of Health to promote programs of education, detection, and treatment of genetic diseases and to provide for habilitation, rehabilitation, and counseling of persons who have genetic traits of or are afflicted with genetic disease.⁵

Rape Crisis Program Trust Fund

The bill creates the Rape Crisis Program Trust Fund in the state treasury. The Fund, administered by the Attorney General, consists of specified discretionary fines created by the bill and sex offender registration fees created by the bill that are paid into the Fund (see "**Discretionary fine and Sex offender registration fee**," below) and any money appropriated to the Fund by the General Assembly or donated to the Fund. The Attorney General may use not more than 5% of the money in the Fund to pay Fund-related administrative costs and must use at least 95% of the money to provide funding to rape crisis programs. The bill requires the Attorney General to adopt rules under R.C. Chapter 119. that establish procedures for rape crisis programs to apply for funding out of the Fund and for the Attorney General to distribute the money to programs. The Attorney General may decide upon an application for funding out of the Fund without a hearing. A decision to grant or deny funding is final and not appealable under R.C. Chapter 119. (Administrative Procedure Law) or any other provision of the Revised Code.

A rape crisis program that receives money from the Fund must use it only for the following purposes:⁶

- (1) If the program is the nonprofit state sexual assault coalition, to provide training and technical assistance to service providers;
- (2) If the program is a victim witness assistance program, to provide victims of sexual assault with hotlines, victim advocacy, or support services;
- (3) If the program is a government-based or nonprofit entity that provides a full continuum of services to victims of sexual assault, to provide those services and education to prevent sexual assault.⁷

⁵ R.C. 3705.501, 3705.502, and 3705.511, not in the bill.

⁶ R.C. 109.921(D).



Additional fine

The bill authorizes a court that imposes a sentence on a person convicted of a felony sexually oriented offense or felony child-victim oriented offense to impose a fine of \$50 to \$500 in addition to any other fine that is or may be imposed. "Sexually oriented offense" and "child-victim oriented offense" are defined in R.C. 2950.01, which is not in the bill and is part of the state's Sex Offender Registration and Notification (SORN) Law. The bill requires that the additional fine money collected by the court under this provision be forwarded to the Treasurer of State not later than the 20th day of the month after the month in which the money is collected for deposit into the state treasury to the credit of the Rape Crisis Program Trust Fund.⁸

Sex offender registration fee

The bill requires a sheriff to charge a one-time fee of \$100 when a person, who on or after the effective date of the bill is convicted of an offense for which registration is required by the SORN Law, first registers under the SORN Law as a sex offender or child-victim oriented offender (i.e., following a conviction for committing a sexually oriented offense or child-victim oriented offense or an adjudication of delinquency for committing a sexually oriented offense or child-victim oriented offense if the juvenile court subjects the child to the Law). The fee is in addition to the optional fee that a sheriff may charge under existing R.C. 311.171, which is not in the bill. A sheriff may not refuse to register a person who does not pay the fee. At the end of each calendar year, the sheriff must report to the Attorney General all fees that have been due and unpaid for more than one year and that the sheriff has not previously reported. The bill authorizes the Attorney General to recover those fees in a civil action.⁹

The bill requires the sheriff to transmit on or before the 20th day of the following month all the fee money collected during a month to the county treasurer. Within 60 days after receipt, the county treasurer must transmit the money to the Treasurer of State to be credited to the Rape Crisis Program Trust Fund.¹⁰

⁷ R.C. 109.921(B) and (C).

⁸ R.C. 307.515(C) and 2929.18(B)(9).

⁹ R.C. 311.172(A) and (B).

¹⁰ R.C. 311.172(C).



The bill authorizes a court that sentences a person who commits a sexually oriented offense or a child-victim oriented offense to a community control sanction to make payment of the registration fee impose by the bill a condition of the sanction.¹¹

Appropriation

The bill appropriates \$1 million in FY 2014 and \$1 million in FY 2015 from the General Revenue Fund to the Office of the Attorney General for rape crisis centers.¹²

HISTORY

ACTION	DATE
Introduced	03-20-13
Reported, H. Judiciary	06-04-13
Passed House (95-0)	06-12-13

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¹¹ R.C. 2950.012.

¹² Sections 3 and 4 of the bill.

