

Executive

As Passed by the House

In Senate Finance

CLACD1 State Waiver of Immunity from Liability and Recovery Standards

R.C. 2743.02

Provides that, in any action in the Court of Claims against the state for damages for injury, death, or loss to person or property caused by the state, a state officer or employee, or a person authorized to act on behalf of the state, the following apply: (1) punitive or exemplary damages cannot be awarded, (2) recoveries against the state are to be reduced by benefits (instead of "insurance proceeds, disability awards" in existing law) or other collateral recovery (existing law) ("benefits" and "collateral recovery" are defined), (3) no person may bring a civil action under a subrogation provision in an insurance or other contract against the state with respect to those benefits, (4) there is no limitation on compensatory damages representing "the actual loss of the person who is awarded the damages," as defined, (5) except in wrongful death actions, damages that do not represent the actual loss of the person who is awarded the damages cannot exceed \$250,000 in favor of any one person, and (6) the above limitation does not apply to court costs awarded to a claimant or to interest on a judgment.

Fiscal effect: Limits the amount of recovery that could be paid by the state in a liability action against the state.

R.C. 2743.02

Same as the Executive.

Fiscal effect: Same as the Executive.

No provision.

Executive

As Passed by the House

In Senate Finance

CLACD2 Wrongful Imprisonment - Concurrent Sentences for Other Convictions

No provision.

No provision.

R.C. 2743.48

Modifies the law regarding wrongful imprisonment claims by providing that if an individual at the time of the wrongful imprisonment was serving concurrent sentences on other convictions that were not vacated, dismissed, or reversed on appeal, the individual is not eligible for compensation for any portion of the wrongful imprisonment that occurred during such a concurrent sentence.

Fiscal effect: The state could experience a decrease in annual GRF expenditures related to compensation payments to wrongfully imprisoned individuals. The potential magnitude of these savings however is unknown as such claims, both in number and award amount, vary greatly from year to year.

CLACD3 Wrongful Imprisonment - County Prosecutors to Defend

(1) No provision.

(1) No provision.

R.C. 2743.48, 2953.32

(1) Requires that the prosecuting attorney of the county in which a civil action to be declared a wrongfully imprisoned individual is filed defend the civil action and be provided with a copy of the complaint (under current law the Attorney General is served a copy of the complaint, but neither the Attorney General nor the county prosecutor is required to defend the civil action).

(2) No provision.

(2) No provision.

(2) Authorizes a prosecuting attorney or the Attorney General, or their assistants, to inspect sealed records for the purpose of defending or participating in a civil action to determine if a person is a wrongfully imprisoned individual.

Executive

As Passed by the House

In Senate Finance

Fiscal effect: County prosecutors could experience an increase in costs related to the provision described in (1) above. Provision (2) described above may give prosecutors or the Attorney General access to pertinent information more quickly than might have otherwise been the case under current law and practice thus creating efficiencies.

CLACD4 Abolishment of Court of Claims Commissioners and other Administrative Changes

R.C. 2743.121, 2743.03, 2743.09, 2743.20, 2743.52, 2743.53, 2743.531, 2743.54, 2743.55, 2743.60, 2743.601, 2743.61--2743.69, 2743.71

(1) No provision.

(1) No provision.

(1) Abolishes the office of the Court of Claims commissioner and makes procedural changes to reflect the elimination of the panel of commissioners.

(2) No provision.

(2) No provision.

(2) Transfers the powers of a judge of the Court of Claims to the court.

(3) No provision.

(3) No provision.

(3) Specifies certain powers of a Court of Claims magistrate.

(4) No provision.

(4) No provision.

(4) Modifies the requirement that the Attorney General's annual report on Ohio's crime victims program include separate listings of the administrative costs incurred by "a court of claims panel of commissioners, compensation of judges and court personnel" to instead require separate listings of the administrative costs incurred by the "court of claims".

(5) No provision.

(5) No provision.

(5) Conforms to Civil Rules or existing law references to referees and to the time period for filing a claim for reparations by an adult.

Executive

As Passed by the House

In Senate Finance

Fiscal effect: The elimination of the Court of Claims panel of commissioners (provision (1) above) will result in a cost savings for Fund 5K20 (CLA Victims of Crime Fund). The Court has six commissioners who are appointed by the Supreme Court of Ohio for six-year terms. Combined, the work of these six commissioners is equal to approximately three full-time employees; their work will be transferred to an existing magistrate. The Court anticipated the elimination of these commissioners, and thus built no funding for their compensation into its FY 2014-FY 2015 biennial budget. Provisions (2)-(5) above are not expected to have any fiscal effect.

Executive

As Passed by the House

In Senate Finance

JSCCD12 Affidavit of Disqualification of Judges

No provision.

No provision.

R.C. 2701.03, 2701.031, 2743.041

Eliminates the current procedure for filing an affidavit of disqualification for a judge of a municipal or county court and instead includes the disqualification of a judge of a municipal or county court, and a judge of the court of claims within the procedure for filing an affidavit of disqualification for a probate judge, judge of a court of appeals, and a judge of the court of common pleas.

Fiscal effect: None.