



Ohio Legislative Service Commission

Bill Analysis

David M. Gold

H.B. 108

130th General Assembly
(As Introduced)

Reps. Baker and Schuring, Antonio, Beck, Cera, Derickson, Duffey, Gonzales, C. Hagan, Lundy, Milkovich, Rogers, Sprague, Stebelton, Strahorn, Szollosi

BILL SUMMARY

- Defines "eligible rape crisis program" as a victim witness assistance program operated by a prosecuting attorney or a program operated by a government-based or nonprofit entity to provide a full continuum of services to victims of sexual assault.
- Adds to the State Victims Assistance Advisory Council one member who represents eligible rape crisis programs.
- Creates in the state treasury the Rape Crisis Program Trust Fund, consisting of sex offender registration fees, appropriations, and donations, to help fund eligible rape crisis programs and requires the Attorney General to adopt rules governing the application for and distribution of money in the Fund.
- Establishes a \$100 sex offender registration fee that is in addition to any current sex offender registration fees.

CONTENT AND OPERATION

State Victims Assistance Advisory Council

The bill adds to the State Victims Assistance Advisory Council one member who represents eligible rape crisis programs (see **COMMENT**).¹ The Council, which is part of 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

¹ R.C. 109.91(B).

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 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;

(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

As defined in the bill, an "eligible rape crisis program" is any program that operates in Ohio, is a victim witness assistance program operated by a prosecuting attorney or a program operated by a government-based or nonprofit entity, and provides a full continuum of services to victims of sexual assault, including hotlines, victim advocacy, and support services from the onset of the need for services through the completion of healing.³ "Sexual assault" means 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 section 2907.12 (felonious sexual penetration) or a violation of a substantially equivalent existing or former municipal ordinance or law of Ohio, any state, or the United States.⁴

² R.C. 109.91(B), (C), and (D).

³ R.C. 109.921(A)(1).

⁴ R.C. 109.921(A)(2).

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 sex offender registration fees paid into the Fund (see "**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 Fund to pay Fund-related administrative costs and must use at least 95% of the money to support eligible rape crisis programs. The bill requires the Attorney General to adopt rules under R.C. Chapter 119. that establish procedures for eligible rape crisis programs to apply for funding out of the Fund and for the Attorney General to distribute the money. An eligible rape crisis program that receives money from the Fund must use it only to provide to or for victims of sexual assault one or more of the services set forth in the definition of "eligible rape crisis program" (see "**State Victims Assistance Advisory Council**," above).⁵

Sex offender registration fee

The bill requires a sheriff to charge a fee of \$100 when a person first registers as a sex offender (i.e., following a conviction for committing a sexually oriented offense or an adjudication of delinquency for committing a sexually oriented offense). The fee is in addition to the optional fee that a sheriff may charge under existing R.C. 311.171. 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 obligates the Attorney General to recover those fees in a civil action.⁶

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 Treasurer of State to be credited to the Rape Crisis Program Trust Fund.⁷

COMMENT

The bill adds one member to the State Victims Advisory Council, but it does not amend existing language that states the total number of Council members.

⁵ R.C. 109.921(B), (C), and (D).

⁶ R.C. 311.172(A) and (B).

⁷ R.C. 311.172(C).



HISTORY

ACTION

DATE

Introduced

03-20-13

h0108-i-130.docx/ks

