

AN ACT

To amend section 2307.60 of the Revised Code to expand the bar against the recovery of damages in tort actions commenced by criminal offenders to include misdemeanors that are offenses of violence.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2307.60 of the Revised Code be amended to read as follows:

Sec. 2307.60. (A) Anyone injured in person or property by a criminal act has, and may recover full damages in, a civil action unless specifically excepted by law, may recover the costs of maintaining the civil action and attorney's fees if authorized by any provision of the Rules of Civil Procedure or another section of the Revised Code or under the common law of this state, and may recover punitive or exemplary damages if authorized by section 2315.21 or another section of the Revised Code. A record of a conviction, unless obtained by confession in open court, shall not be used as evidence in a civil action brought pursuant to division (A) of this section.

(B)(1) As used in division (B) of this section:

(a) "Harm" means injury, death, or loss to person or property.

(b) "Tort action" means a civil action for damages for injury, death, or loss to person or property. ~~"Tort action" includes a product liability claim but does not include other than~~ a civil action for damages for a breach of contract or another agreement between persons. "Tort action" includes, but is not limited to, a product liability claim, an action for wrongful death under Chapter 2125. Of the Revised Code, and an action based on derivative claims for relief.

(c) ~~"Trier of fact" means the jury or, in a nonjury action, the court.~~

(2) Recovery on a claim for relief in a tort action is barred to any person or the person's legal representative if the person has been convicted of or has pleaded guilty to a felony ~~offense, or to a misdemeanor that is an offense of violence,~~ arising out of criminal conduct that was a proximate cause of the injury or loss for which relief is claimed in the action.

(3) Division (B) of this section does not apply to civil claims based upon

Sub. H. B. No. 547

2

alleged intentionally tortious conduct, alleged violations of the United States Constitution, or alleged violations of statutes of the United States pertaining to civil rights.

Sub. H. B. No. 547

3

SECTION 2. That existing section 2307.60 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 547

4

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____