

As Introduced

**126th General Assembly
Regular Session
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H. B. No. 108

**Representatives Hagan, Willamowski, C. Evans, D. Evans, Webster,
McGregor, DeGeeter, Harwood, Beatty**

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A B I L L

To amend section 2930.01 of the Revised Code to allow 1
certain victims of an accident proximately caused 2
by a person committing OVI to receive the rights 3
of a victim under the Victim's Rights Law. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2930.01 of the Revised Code be 5
amended to read as follows: 6

Sec. 2930.01. As used in this chapter: 7

(A) "Crime" means any of the following: 8

(1) A felony; 9

(2) A violation of section 2903.05, 2903.06, 2903.13, 10
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 11
Revised Code, a violation of section 2903.07 of the Revised Code 12
as it existed prior to ~~the effective date of this amendment~~ March 13
23, 2000, or a violation of a substantially equivalent municipal 14
ordinance; 15

(3) A violation of division (A) of section 4511.19 of the 16
Revised Code or of a substantially similar municipal ordinance 17
that is the proximate cause of a motor vehicle accident in which 18

the victim receives injuries for which the victim receives medical treatment either at the scene of the accident by emergency medical services personnel or at a hospital, ambulatory care facility, physician's office, specialist's office, or other medical care facility.

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(B) "Custodial agency" means one of the following:

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(1) The entity that has custody of a defendant or an alleged juvenile offender who is incarcerated for a crime, is under detention for the commission of a specified delinquent act, or who is detained after a finding of incompetence to stand trial or not guilty by reason of insanity relative to a crime, including any of the following:

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(a) The department of rehabilitation and correction or the adult parole authority;

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(b) A county sheriff;

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(c) The entity that administers a jail, as defined in section 2929.01 of the Revised Code;

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(d) The entity that administers a community-based correctional facility and program or a district community-based correctional facility and program;

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(e) The department of mental health or other entity to which a defendant found incompetent to stand trial or not guilty by reason of insanity is committed.

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(2) The entity that has custody of an alleged juvenile offender pursuant to an order of disposition of a juvenile court, including the department of youth services or a school, camp, institution, or other facility operated for the care of delinquent children.

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(C) "Defendant" means a person who is alleged to be the perpetrator of a crime in a police report or in a complaint,

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indictment, or information that charges the commission of a crime 49
and that provides the basis for the criminal prosecution and 50
subsequent proceedings to which this chapter makes reference. 51

(D) "Member of the victim's family" means a spouse, child, 52
stepchild, sibling, parent, stepparent, grandparent, or other 53
relative of a victim but does not include a person who is charged 54
with, convicted of, or adjudicated to be a delinquent child for 55
the crime or specified delinquent act against the victim or 56
another crime or specified delinquent act arising from the same 57
conduct, criminal episode, or plan. 58

(E) "Prosecutor" means one of the following: 59

(1) With respect to a criminal case, it has the same meaning 60
as in section 2935.01 of the Revised Code and also includes the 61
attorney general and, when appropriate, the employees of any 62
person listed in section 2935.01 of the Revised Code or of the 63
attorney general. 64

(2) With respect to a delinquency proceeding, it includes any 65
person listed in division (C) of section 2935.01 of the Revised 66
Code or an employee of a person listed in that division who 67
prosecutes a delinquency proceeding. 68

(F) "Public agency" means an office, agency, department, 69
bureau, or other governmental entity of the state or of a 70
political subdivision of the state. 71

(G) "Public official" has the same meaning as in section 72
2921.01 of the Revised Code. 73

(H) "Victim" means a either of the following: 74

(1) A person who is identified as the victim of a crime or 75
specified delinquent act in a police report or in a complaint, 76
indictment, or information that charges the commission of a crime 77
and that provides the basis for the criminal prosecution or 78

delinquency proceeding and subsequent proceedings to which this 79
chapter makes reference. 80

(2) A person who receives injuries as a result of a motor 81
vehicle accident that is proximately caused by a violation 82
described in division (A)(3) of this section and who receives 83
medical treatment as described in that division. 84

(I) "Victim's representative" means a member of the victim's 85
family or another person who pursuant to the authority of section 86
2930.02 of the Revised Code exercises the rights of a victim under 87
this chapter. 88

(J) "Court" means a court of common pleas, juvenile court, 89
municipal court, or county court. 90

(K) "Delinquency proceeding" means all proceedings in a 91
juvenile court that are related to a case in which a complaint has 92
been filed alleging that a child is a delinquent child. 93

(L) "Case" means a delinquency proceeding and all related 94
activity or a criminal prosecution and all related activity. 95

(M) The "defense" means the defense against criminal charges 96
in a criminal prosecution or the defense against a delinquent 97
child complaint in a delinquency proceeding. 98

(N) The "prosecution" means the prosecution of criminal 99
charges in a criminal prosecution or the prosecution of a 100
delinquent child complaint in a delinquency proceeding. 101

(O) "Specified delinquent act" means any of the following: 102

(1) An act committed by a child that if committed by an adult 103
would be a felony; 104

(2) An act committed by a child that is a violation of a 105
section listed in division (A)(1) or (2) of this section or is a 106
violation of a substantially equivalent municipal ordinance. 107

(P)(1) "Alleged juvenile offender" means a child who is 108

alleged to have committed a specified delinquent act in a police 109
report or in a complaint in juvenile court that charges the 110
commission of a specified delinquent act and that provides the 111
basis for the delinquency proceeding and all subsequent 112
proceedings to which this chapter makes reference. 113

(2) As used in divisions (O) and (P)(1) of this section, 114
"child" has the same meaning as in section 2151.011 of the Revised 115
Code. 116

(O) "Motor vehicle accident" or "accident" has the same 117
meaning as in section 4509.01 of the Revised Code. 118

Section 2. That existing section 2930.01 of the Revised Code 119
is hereby repealed. 120