

As Passed by the House

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Sub. H. B. No. 108

**Representatives Hagan, Willamowski, C. Evans, D. Evans, Webster,
McGregor, DeGeeter, Harwood, Beatty, Latta, Gilb, Hughes, Seaver, Allen,
Barrett, Brown, Bulp, Carano, Cassell, Chandler, Coley, DeBose, Domenick,
Flowers, Gibbs, Healy, Mason, Miller, Otterman, T. Patton, Perry, Reidelbach,
Schaffer, S. Smith, J. Stewart, Strahorn, Ujvagi, Williams, Yuko**

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A B I L L

To amend section 2930.01 and to enact section 1
2930.062 of the Revised Code to allow certain 2
victims of a motor vehicle accident to receive the 3
rights of a victim under the Victim's Rights Law 4
and to allow motor vehicle accident victims to 5
send notice of injury to the prosecutor. 6

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

Section 1. That section 2930.01 be amended and section 7
2930.062 of the Revised Code be enacted to read as follows: 8

Sec. 2930.01. As used in this chapter: 9

(A) "Crime" means any of the following: 10

(1) A felony; 11

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

23, 2000, or a violation of a substantially equivalent municipal ordinance; 16
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(3) A violation of division (A) of section 4511.19 of the Revised Code or of a substantially similar municipal ordinance that is the proximate cause of a motor vehicle accident in which 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. 18
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(4) A motor vehicle accident to which both of the following apply: 26
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(a) The accident is caused by a violation of a provision of the Revised Code that is a misdemeanor of the first degree or higher. 28
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(b) As a result of the accident, 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. 31
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(B) "Custodial agency" means one of the following: 36

(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: 37
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(a) The department of rehabilitation and correction or the adult parole authority; 43
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(b) A county sheriff; 45

(c) The entity that administers a jail, as defined in section 46
2929.01 of the Revised Code; 47

(d) The entity that administers a community-based 48
correctional facility and program or a district community-based 49
correctional facility and program; 50

(e) The department of mental health or other entity to which 51
a defendant found incompetent to stand trial or not guilty by 52
reason of insanity is committed. 53

(2) The entity that has custody of an alleged juvenile 54
offender pursuant to an order of disposition of a juvenile court, 55
including the department of youth services or a school, camp, 56
institution, or other facility operated for the care of delinquent 57
children. 58

(C) "Defendant" means a person who is alleged to be the 59
perpetrator of a crime in a police report or in a complaint, 60
indictment, or information that charges the commission of a crime 61
and that provides the basis for the criminal prosecution and 62
subsequent proceedings to which this chapter makes reference. 63

(D) "Member of the victim's family" means a spouse, child, 64
stepchild, sibling, parent, stepparent, grandparent, or other 65
relative of a victim but does not include a person who is charged 66
with, convicted of, or adjudicated to be a delinquent child for 67
the crime or specified delinquent act against the victim or 68
another crime or specified delinquent act arising from the same 69
conduct, criminal episode, or plan. 70

(E) "Prosecutor" means one of the following: 71

(1) With respect to a criminal case, it has the same meaning 72
as in section 2935.01 of the Revised Code and also includes the 73
attorney general and, when appropriate, the employees of any 74
person listed in section 2935.01 of the Revised Code or of the 75

attorney general.	76
(2) With respect to a delinquency proceeding, it includes any person listed in division (C) of section 2935.01 of the Revised Code or an employee of a person listed in that division who prosecutes a delinquency proceeding.	77 78 79 80
(F) "Public agency" means an office, agency, department, bureau, or other governmental entity of the state or of a political subdivision of the state.	81 82 83
(G) "Public official" has the same meaning as in section 2921.01 of the Revised Code.	84 85
(H) "Victim" means <u>a either of the following:</u>	86
(1) <u>A person who is identified as the victim of a crime or specified delinquent act in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution or delinquency proceeding and subsequent proceedings to which this chapter makes reference.</u>	87 88 89 90 91 92
(2) <u>A person who receives injuries as a result of a motor vehicle accident that is proximately caused by a violation described in division (A)(3) or (4) of this section and who receives medical treatment as described in those divisions.</u>	93 94 95 96
(I) "Victim's representative" means a member of the victim's family or another person who pursuant to the authority of section 2930.02 of the Revised Code exercises the rights of a victim under this chapter.	97 98 99 100
(J) "Court" means a court of common pleas, juvenile court, municipal court, or county court.	101 102
(K) "Delinquency proceeding" means all proceedings in a juvenile court that are related to a case in which a complaint has been filed alleging that a child is a delinquent child.	103 104 105

(L) "Case" means a delinquency proceeding and all related activity or a criminal prosecution and all related activity.	106 107
(M) The "defense" means the defense against criminal charges in a criminal prosecution or the defense against a delinquent child complaint in a delinquency proceeding.	108 109 110
(N) The "prosecution" means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding.	111 112 113
(O) "Specified delinquent act" means any of the following:	114
(1) An act committed by a child that if committed by an adult would be a felony;	115 116
(2) An act committed by a child that is a violation of a section listed in division (A)(1) or (2) of this section or is a violation of a substantially equivalent municipal ordinance.	117 118 119
(P)(1) "Alleged juvenile offender" means a child who is alleged to have committed a specified delinquent act in a police report or in a complaint in juvenile court that charges the commission of a specified delinquent act and that provides the basis for the delinquency proceeding and all subsequent proceedings to which this chapter makes reference.	120 121 122 123 124 125
(2) As used in divisions (O) and (P)(1) of this section, "child" has the same meaning as in section 2151.011 of the Revised Code.	126 127 128
<u>(O) "Motor vehicle accident" or "accident" has the same meaning as in section 4509.01 of the Revised Code.</u>	129 130
<u>Sec. 2930.062. A victim described in division (H)(2) of section 2930.01 of the Revised Code may provide the prosecutor, or if it is a delinquency proceeding and a prosecutor is not involved in the case may provide the court, in the victim's case with</u>	131 132 133 134

written notification of the victim's injuries at any time. Upon 135
receipt of the written notification, the prosecutor or court shall 136
give the victim all of the information specified in division (B) 137
of section 2930.06 if the prosecutor has not already done so. 138

Section 2. That existing section 2930.01 of the Revised Code 139
is hereby repealed. 140