

As Reported by the House Criminal Justice Committee

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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**

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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 16
ordinance; 17

(3) A violation of division (A) of section 4511.19 of the 18

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.

(4) A motor vehicle accident to which both of the following
apply:

(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.

(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.

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

(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:

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

(b) A county sheriff;

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

(d) The entity that administers a community-based

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 77
person listed in division (C) of section 2935.01 of the Revised 78

Code or an employee of a person listed in that division who 79
prosecutes a delinquency proceeding. 80

(F) "Public agency" means an office, agency, department, 81
bureau, or other governmental entity of the state or of a 82
political subdivision of the state. 83

(G) "Public official" has the same meaning as in section 84
2921.01 of the Revised Code. 85

(H) "Victim" means a either of the following: 86

(1) A person who is identified as the victim of a crime or 87
specified delinquent act in a police report or in a complaint, 88
indictment, or information that charges the commission of a crime 89
and that provides the basis for the criminal prosecution or 90
delinquency proceeding and subsequent proceedings to which this 91
chapter makes reference. 92

(2) A person who receives injuries as a result of a motor 93
vehicle accident that is proximately caused by a violation 94
described in division (A)(3) or (4) of this section and who 95
receives medical treatment as described in those divisions. 96

(I) "Victim's representative" means a member of the victim's 97
family or another person who pursuant to the authority of section 98
2930.02 of the Revised Code exercises the rights of a victim under 99
this chapter. 100

(J) "Court" means a court of common pleas, juvenile court, 101
municipal court, or county court. 102

(K) "Delinquency proceeding" means all proceedings in a 103
juvenile court that are related to a case in which a complaint has 104
been filed alleging that a child is a delinquent child. 105

(L) "Case" means a delinquency proceeding and all related 106
activity or a criminal prosecution and all related activity. 107

(M) The "defense" means the defense against criminal charges 108

in a criminal prosecution or the defense against a delinquent 109
child complaint in a delinquency proceeding. 110

(N) The "prosecution" means the prosecution of criminal 111
charges in a criminal prosecution or the prosecution of a 112
delinquent child complaint in a delinquency proceeding. 113

(O) "Specified delinquent act" means any of the following: 114

(1) An act committed by a child that if committed by an adult 115
would be a felony; 116

(2) An act committed by a child that is a violation of a 117
section listed in division (A)(1) or (2) of this section or is a 118
violation of a substantially equivalent municipal ordinance. 119

(P)(1) "Alleged juvenile offender" means a child who is 120
alleged to have committed a specified delinquent act in a police 121
report or in a complaint in juvenile court that charges the 122
commission of a specified delinquent act and that provides the 123
basis for the delinquency proceeding and all subsequent 124
proceedings to which this chapter makes reference. 125

(2) As used in divisions (O) and (P)(1) of this section, 126
"child" has the same meaning as in section 2151.011 of the Revised 127
Code. 128

(O) "Motor vehicle accident" or "accident" has the same 129
meaning as in section 4509.01 of the Revised Code. 130

Sec. 2930.062. A victim described in division (H)(2) of 131
section 2930.01 of the Revised Code may provide the prosecutor, or 132
if it is a delinquency proceeding and a prosecutor is not involved 133
in the case may provide the court, in the victim's case with 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