

As Reported by the Senate Judiciary--Criminal Justice Committee

126th General Assembly

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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
Senators Clancy, Schuring, Goodman, Dann**

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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 vehicle, streetcar, trackless 3
trolley, aquatic device, or aircraft accident to 4
receive the rights of a victim under the Victim's 5
Rights Law and to allow those victims to send 6
notice of injury to the prosecutor. 7

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

Section 1. That section 2930.01 be amended and section 8
2930.062 of the Revised Code be enacted to read as follows: 9

Sec. 2930.01. As used in this chapter: 10

(A) "Crime" means any of the following: 11

(1) A felony; 12

(2) A violation of section 2903.05, 2903.06, 2903.13, 13
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 14

Revised Code, a violation of section 2903.07 of the Revised Code
as it existed prior to ~~the effective date of this amendment~~ March
23, 2000, or a violation of a substantially equivalent municipal
ordinance;

(3) A violation of division (A) or (B) of section 4511.19,
division (A) of section 1547.11, or division (A)(3) of section
4561.15 of the Revised Code or of a municipal ordinance
substantially similar to any of those divisions that is the
proximate cause of a vehicle, streetcar, trackless trolley,
aquatic device, or aircraft 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 motor vehicle 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 motor vehicle 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;	46 47
(b) A county sheriff;	48
(c) The entity that administers a jail, as defined in section 2929.01 of the Revised Code;	49 50
(d) The entity that administers a community-based correctional facility and program or a district community-based correctional facility and program;	51 52 53
(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.	54 55 56
(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.	57 58 59 60 61
(C) "Defendant" means a person who is alleged to be the perpetrator of a crime 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 and subsequent proceedings to which this chapter makes reference.	62 63 64 65 66
(D) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, or other relative of a victim but does not include a person who is charged with, convicted of, or adjudicated to be a delinquent child for the crime or specified delinquent act against the victim or another crime or specified delinquent act arising from the same conduct, criminal episode, or plan.	67 68 69 70 71 72 73
(E) "Prosecutor" means one of the following:	74
(1) With respect to a criminal case, it has the same meaning	75

as in section 2935.01 of the Revised Code and also includes the attorney general and, when appropriate, the employees of any person listed in section 2935.01 of the Revised Code or of the attorney general.

(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.

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

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

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

(1) 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.

(2) A person who receives injuries as a result of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident that is proximately caused by a violation described in division (A)(3) of this section or a motor vehicle accident that is proximately caused by a violation described in division (A)(4) of this section and who receives medical treatment as described in division (A)(3) or (4) of this section, whichever is applicable.

(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.	106
(J) "Court" means a court of common pleas, juvenile court, municipal court, or county court.	107 108
(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.	109 110 111
(L) "Case" means a delinquency proceeding and all related activity or a criminal prosecution and all related activity.	112 113
(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.	114 115 116
(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.	117 118 119
(O) "Specified delinquent act" means any of the following:	120
(1) An act committed by a child that if committed by an adult would be a felony;	121 122
(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;	123 124 125
<u>(3) An act committed by a child that is described in division (A)(3) or (4) of this section.</u>	126 127
(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.	128 129 130 131 132 133
(2) As used in divisions (O) and (P)(1) of this section,	134

"child" has the same meaning as in section 2151.011 of the Revised Code. 135
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(O) "Motor vehicle accident" means any accident involving a motor vehicle. 137
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(R) "Motor vehicle" has the same meaning as in section 4509.01 of the Revised Code. 139
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(S) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code. 141
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(T) "Aquatic device" means any vessel, or any water skis, aquaplane, or similar device. 143
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(U) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code. 145
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(V) "Vehicle, streetcar, trackless trolley, watercraft, or aircraft accident" means any accident involving a vehicle, streetcar, trackless trolley, watercraft, or aircraft that results in bodily injury to or death of any person, or damage to the property of any person in excess of four hundred dollars. 147
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(W) "Vessel" has the same meaning as in section 1547.01 of the Revised Code. 152
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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 written notification of the victim's injuries at any time. Upon receipt of the written notification, the prosecutor or court shall give the victim all of the information specified in division (B) of section 2930.06 if the prosecutor has not already done so. 154
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Section 2. That existing section 2930.01 of the Revised Code is hereby repealed. 162
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