

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 117

Senators Mallory, Dann, Fedor, Jacobson, Miller

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A BILL

To amend section 2307.60 of the Revised Code to
provide that a final judgment, entered after a
trial or upon a plea of guilty in certain criminal
actions generally precludes the offender from
denying any fact essential to sustain that
judgment when entered in evidence in a civil
proceeding that is based on the criminal act.

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)(1) 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. ~~No record
of a conviction, unless obtained by confession in open court,
shall be used as evidence in a civil action brought pursuant to
division (A) of this section.~~

(2) A final judgment, entered after a trial or upon a plea of guilty, but not upon a plea of no contest or the equivalent plea from another jurisdiction, that adjudges an offender guilty of a crime punishable by death or imprisonment in excess of one year, when entered as evidence in any subsequent civil proceeding based on the criminal act, shall preclude the offender from denying in the subsequent civil proceeding any fact essential to sustaining that judgment, unless the offender did not have a full and fair opportunity to litigate the issue in the criminal proceeding or other circumstances justify affording the offender an opportunity to relitigate the issue.

(B)(1) As used in division (B) of this section, "tort action" means a civil action for damages for injury, death, or loss to person or property 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, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, an action for wrongful death under Chapter 2125. of the Revised Code, and an action based on derivative claims for relief.

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

Section 2. That existing section 2307.60 of the Revised Code	52
is hereby repealed.	53