

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 108

Representatives Baker, Schuring

**Cosponsors: Representatives Antonio, Beck, Cera, Derickson, Duffey,
Gonzales, Hagan, C., Lundy, Milkovich, Rogers, Sprague, Stebelton,
Strahorn, Szollosi**

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A B I L L

To amend section 109.91 and to enact sections 109.921 1
and 311.172 of the Revised Code to add a 2
representative of eligible rape crisis programs as 3
a member of the State Victims Assistance Advisory 4
Council, to require each person who registers as a 5
sex offender to pay a one-hundred-dollar fee, to 6
require the deposit of the fee into the Rape 7
Crisis Program Trust Fund administered by the 8
Attorney General, and to fund rape crisis centers 9
out of the Fund. 10

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

Section 1. That section 109.91 be amended and sections 11
109.921 and 311.172 of the Revised Code be enacted to read as 12
follows: 13

Sec. 109.91. (A) There is hereby established within the 14
office of the attorney general the crime victims assistance 15
office. 16

(B) There is hereby established the state victims assistance 17

advisory council. The council shall consist of a chairperson, to 18
be appointed by the attorney general, three ex officio members, 19
and fifteen members to be appointed by the attorney general as 20
follows: one member who represents the Ohio victim-witness 21
association; three members who represent local victim assistance 22
programs, including one from a municipally operated program and 23
one from a county-operated program; one member who represents the 24
interests of elderly victims; one member who is a board member of 25
any statewide or local organization that exists primarily to aid 26
victims of domestic violence, or who is an employee of, or 27
counselor for, such an organization; one member who represents 28
eligible rape crisis programs; one member who is an employee or 29
officer of a county probation department or a probation department 30
operated by the department of rehabilitation and correction; one 31
member who is a county prosecuting attorney; one member who is a 32
city law director; one member who is a county sheriff; one member 33
who is a member or officer of a township or municipal police 34
department; one member who is a court of common pleas judge; one 35
member who is a municipal court judge or county court judge; and 36
two members who are private citizens and are not government 37
employees. 38

The council shall include the following ex officio, nonvoting 39
members: the attorney general, one member of the senate to be 40
designated by the president of the senate, and one member of the 41
house of representatives to be designated by the speaker of the 42
house. 43

Members of the council shall serve without compensation, but 44
shall be reimbursed for travel and other necessary expenses that 45
are incurred in the conduct of their official duties as members of 46
the council. The chairperson and members of the council appointed 47
by the attorney general shall serve at the pleasure of the 48
attorney general. The attorney general shall serve on the council 49

until the end of the term of office that qualified the attorney 50
general for membership on the council. The member of the senate 51
and the member of the house of representatives shall serve at the 52
pleasure of the president of the senate and the speaker of the 53
house of representatives, respectively. 54

(C) The victims assistance advisory council shall perform 55
both of the following duties: 56

(1) Advise the crime victims assistance office in determining 57
crime and delinquency victim service needs, determining crime and 58
delinquency victim policies for the state, and improving and 59
exercising leadership in the quality of crime and delinquency 60
victim programs in the state; 61

(2) Review and recommend to the crime victims assistance 62
office the victim assistance programs that should be considered 63
for the receipt of state financial assistance pursuant to section 64
109.92 of the Revised Code. The financial assistance allocation 65
recommendations of the council shall be based on the following 66
priorities: 67

(a) Programs in existence on July 1, 1985, shall be given 68
first priority; 69

(b) Programs offering or proposing to offer the broadest 70
range of services and referrals to the community served, including 71
medical, psychological, financial, educational, vocational, and 72
legal services that were not in existence on July 1, 1985, shall 73
be given second priority; 74

(c) Other qualified programs shall be given last priority. 75

(D) As used in this section and section 109.92 of the Revised 76
Code, "victim assistance program" includes, but is not limited to 77
a program that provides at least one of the following: 78

(1) Services to victims of any offense of violence or 79

delinquent act that would be an offense of violence if committed 80
by an adult; 81

(2) Financial assistance or property repair services to 82
victims of crime or delinquent acts; 83

(3) Assistance to victims of crime or delinquent acts in 84
judicial proceedings; 85

(4) Assistance to victims of crime or delinquent acts under 86
the operation of any political subdivision of the state or a 87
branch of the criminal justice system set forth in division 88
(B)(1)(a), (b), or (c) of section 5502.61 of the Revised Code; 89

(5) Technical assistance to persons or organizations that 90
provide services to victims of crime or delinquent acts under the 91
operation of a branch of the criminal justice system set forth in 92
division (B)(1)(a), (b), or (c) of section 5502.61 of the Revised 93
Code. 94

A victim assistance program does not include the program for 95
the reparation of crime victims established pursuant to Chapter 96
2743. of the Revised Code. 97

(E) As used in this section, "eligible rape crisis program" 98
has the same meaning as in section 109.921 of the Revised Code. 99

Sec. 109.921. (A) As used in this section: 100

(1) "Eligible rape crisis program" means any program that 101
operates in this state, that is a victim witness assistance 102
program operated by a prosecuting attorney or a program operated 103
by a government-based or nonprofit entity, and that provides a 104
full continuum of services to victims of sexual assault, including 105
hotlines, victim advocacy, and support services, from the onset of 106
the need for services through the completion of healing. 107

(2) "Sexual assault" means any of the following: 108

(a) A violation of section 2907.02, 2907.03, 2907.04, 2907.05, or former section 2907.12 of the Revised Code; 109
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(b) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is or was substantially equivalent to any section listed in division (A)(2)(a) of this section. 111
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(B) There is hereby created in the state treasury the rape crisis program trust fund, consisting of money paid into the fund pursuant to section 311.172 of the Revised Code and any money appropriated to the fund by the general assembly or donated to the fund. The attorney general shall administer the fund. The attorney general may use not more than five per cent of the moneys deposited or appropriated into the fund to pay costs associated with administering this section and shall use at least ninety-five per cent of the moneys deposited or appropriated into the fund for the purpose of providing funding to eligible rape crisis programs under this section. 115
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(C) The attorney general shall adopt rules under Chapter 119. of the Revised Code that establish procedures for eligible rape crisis programs to apply to the attorney general for funding out of the rape crisis program trust fund and procedures for the attorney general to distribute money out of the fund to eligible rape crisis programs. 126
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(D) An eligible rape crisis program that receives funding out of the rape crisis program trust fund shall use the money received only to provide one or more of the services described in division (A)(1) of this section to or for victims of sexual assault. 132
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Sec. 311.172. (A) The sheriff shall charge a fee of one hundred dollars when a person registers under section 2950.04 of the Revised Code. The fee shall be in addition to any fee that may be charged under section 311.171 of the Revised Code. 136
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(B) The sheriff shall not refuse to register a person who 140
does not pay the fee required by this section. At the end of each 141
calendar year, the sheriff shall report to the attorney general 142
all fees that have been due and unpaid for more than one year and 143
that the sheriff has not previously reported. The attorney general 144
shall recover those fees in a civil action. 145

(C) The sheriff shall transmit on or before the twentieth day 146
of the following month all money collected during a month under 147
this section to the treasurer of state to be credited to the rape 148
crisis program trust fund created by section 109.921 of the 149
Revised Code. 150

Section 2. That existing section 109.91 of the Revised Code 151
is hereby repealed. 152