

As Reported by the House Health and Aging Committee

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Sub. H. B. No. 197

Representatives Barnes, Grossman

Cosponsors: Representatives Antonio, Mallory, Patmon, Schuring,

Wachtmann, Brown

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A B I L L

To amend sections 2743.51, 2743.56, 2743.59, 2743.60, 1
and 2743.66 and to enact sections 107.64, 3333.27, 2
and 3344.07 of the Revised Code to award 3
twenty-five thousand dollars per year for a period 4
of years to any survivor of abduction; to assist 5
any survivor of abduction with educational and 6
health care expenses; to name this act the 7
"Michelle Knight, Amanda Berry, and Gina DeJesus 8
Survivors of Abduction Act"; and to declare an 9
emergency. 10

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

Section 1. That sections 2743.51, 2743.56, 2743.59, 2743.60, 11
and 2743.66 be amended and sections 107.64, 3333.27, and 3344.07 12
of the Revised Code be enacted to read as follows: 13

Sec. 107.64. On an annual basis, a survivor of abduction, as 14
defined in section 2743.51 of the Revised Code, may submit to the 15
governor an accounting of the survivor of abduction's physical and 16
mental health care expenses for the immediately preceding 17
twelve-month period, as well as a description of any anticipated 18

physical and mental health care needs for the next year. If the 19
governor receives an accounting or description from a survivor of 20
abduction, the governor shall review it. After completing the 21
review and based on the survivor of abduction's health care 22
expenses and needs, the governor shall determine an amount to be 23
provided to the survivor of abduction to meet anticipated expenses 24
and needs for the next year in the form of reimbursement for 25
copays and coinsurance or premium assistance. 26

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the 27
Revised Code: 28

(A) "Claimant" means both of the following categories of 29
persons: 30

(1) Any of the following persons who claim an award of 31
reparations under sections 2743.51 to 2743.72 of the Revised Code: 32

(a) A victim who was one of the following at the time of the 33
criminally injurious conduct: 34

(i) A resident of the United States; 35

(ii) A resident of a foreign country the laws of which permit 36
residents of this state to recover compensation as victims of 37
offenses committed in that country. 38

(b) A dependent of a deceased victim who is described in 39
division (A)(1)(a) of this section; 40

(c) A third person, ~~other than a collateral source,~~ who 41
legally assumes or voluntarily pays the obligations of a victim, 42
or of a dependent of a victim, who is described in division 43
(A)(1)(a) of this section, which obligations are incurred as a 44
result of the criminally injurious conduct that is the subject of 45
the claim and may include, but are not limited to, medical or 46
burial expenses; 47

(d) A person who is authorized to act on behalf of any person	48
who is described in division (A)(1)(a), (b), or (c) of this	49
section;	50
(e) The estate of a deceased victim who is described in	51
division (A)(1)(a) of this section.	52
(2) Any of the following persons who claim an award of	53
reparations under sections 2743.51 to 2743.72 of the Revised Code:	54
(a) A victim who had a permanent place of residence within	55
this state at the time of the criminally injurious conduct and	56
who, at the time of the criminally injurious conduct, complied	57
with any one of the following:	58
(i) Had a permanent place of employment in this state;	59
(ii) Was a member of the regular armed forces of the United	60
States or of the United States coast guard or was a full-time	61
member of the Ohio organized militia or of the United States army	62
reserve, naval reserve, or air force reserve;	63
(iii) Was retired and receiving social security or any other	64
retirement income;	65
(iv) Was sixty years of age or older;	66
(v) Was temporarily in another state for the purpose of	67
receiving medical treatment;	68
(vi) Was temporarily in another state for the purpose of	69
performing employment-related duties required by an employer	70
located within this state as an express condition of employment or	71
employee benefits;	72
(vii) Was temporarily in another state for the purpose of	73
receiving occupational, vocational, or other job-related training	74
or instruction required by an employer located within this state	75
as an express condition of employment or employee benefits;	76
(viii) Was a full-time student at an academic institution,	77

college, or university located in another state;	78
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	79 80 81 82
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	83 84
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(2)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	85 86 87 88 89 90 91
(d) A person who is authorized to act on behalf of any person who is described in division (A)(2)(a), (b), or (c) of this section;	92 93 94
(e) The estate of a deceased victim who is described in division (A)(2)(a) of this section.	95 96
<u>"Claimant" does not include either a collateral source or any of the following that is established on behalf of a survivor of abduction: a private fund not in the custody of the state treasurer or part of the state treasury, a nonprofit organization, or a trust.</u>	97 98 99 100 101
(B) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable that the victim or claimant has received, or that is readily available to the victim or claimant, from any of the following sources:	102 103 104 105
(1) The offender;	106
(2) The government of the United States or any of its	107

agencies, a state or any of its political subdivisions, or an	108
instrumentality of two or more states, unless the law providing	109
for the benefits or advantages makes them excess or secondary to	110
benefits under sections 2743.51 to 2743.72 of the Revised Code;	111
(3) Social security, medicare, and medicaid;	112
(4) State-required, temporary, nonoccupational disability	113
insurance;	114
(5) Workers' compensation;	115
(6) Wage continuation programs of any employer;	116
(7) Proceeds of a contract of insurance payable to the victim	117
for loss that the victim sustained because of the criminally	118
injurious conduct;	119
(8) A contract providing prepaid hospital and other health	120
care services, or benefits for disability;	121
(9) That portion of the proceeds of all contracts of	122
insurance payable to the claimant on account of the death of the	123
victim that exceeds fifty thousand dollars;	124
(10) Any compensation recovered or recoverable under the laws	125
of another state, district, territory, or foreign country because	126
the victim was the victim of an offense committed in that state,	127
district, territory, or country.	128
"Collateral source" does not include any money, or the	129
monetary value of any property, that is subject to sections	130
2969.01 to 2969.06 of the Revised Code or that is received as a	131
benefit from the Ohio public safety officers death benefit fund	132
created by section 742.62 of the Revised Code.	133
(C) "Criminally injurious conduct" means one of the	134
following:	135
(1) For the purposes of any person described in division	136
(A)(1) of this section, any conduct that occurs or is attempted in	137

this state; poses a substantial threat of personal injury or 138
death; and is punishable by fine, imprisonment, or death, or would 139
be so punishable but for the fact that the person engaging in the 140
conduct lacked capacity to commit the crime under the laws of this 141
state. Criminally injurious conduct does not include conduct 142
arising out of the ownership, maintenance, or use of a motor 143
vehicle, except when any of the following applies: 144

(a) The person engaging in the conduct intended to cause 145
personal injury or death; 146

(b) The person engaging in the conduct was using the vehicle 147
to flee immediately after committing a felony or an act that would 148
constitute a felony but for the fact that the person engaging in 149
the conduct lacked the capacity to commit the felony under the 150
laws of this state; 151

(c) The person engaging in the conduct was using the vehicle 152
in a manner that constitutes an OVI violation; 153

(d) The conduct occurred on or after July 25, 1990, and the 154
person engaging in the conduct was using the vehicle in a manner 155
that constitutes a violation of section 2903.08 of the Revised 156
Code; 157

(e) The person engaging in the conduct acted in a manner that 158
caused serious physical harm to a person and that constituted a 159
violation of section 4549.02 or 4549.021 of the Revised Code. 160

(2) For the purposes of any person described in division 161
(A)(2) of this section, any conduct that occurs or is attempted in 162
another state, district, territory, or foreign country; poses a 163
substantial threat of personal injury or death; and is punishable 164
by fine, imprisonment, or death, or would be so punishable but for 165
the fact that the person engaging in the conduct lacked capacity 166
to commit the crime under the laws of the state, district, 167
territory, or foreign country in which the conduct occurred or was 168

attempted. Criminally injurious conduct does not include conduct 169
arising out of the ownership, maintenance, or use of a motor 170
vehicle, except when any of the following applies: 171

(a) The person engaging in the conduct intended to cause 172
personal injury or death; 173

(b) The person engaging in the conduct was using the vehicle 174
to flee immediately after committing a felony or an act that would 175
constitute a felony but for the fact that the person engaging in 176
the conduct lacked the capacity to commit the felony under the 177
laws of the state, district, territory, or foreign country in 178
which the conduct occurred or was attempted; 179

(c) The person engaging in the conduct was using the vehicle 180
in a manner that constitutes an OVI violation; 181

(d) The conduct occurred on or after July 25, 1990, the 182
person engaging in the conduct was using the vehicle in a manner 183
that constitutes a violation of any law of the state, district, 184
territory, or foreign country in which the conduct occurred, and 185
that law is substantially similar to a violation of section 186
2903.08 of the Revised Code; 187

(e) The person engaging in the conduct acted in a manner that 188
caused serious physical harm to a person and that constituted a 189
violation of any law of the state, district, territory, or foreign 190
country in which the conduct occurred, and that law is 191
substantially similar to section 4549.02 or 4549.021 of the 192
Revised Code. 193

(3) For the purposes of any person described in division 194
(A)(1) or (2) of this section, terrorism that occurs within or 195
outside the territorial jurisdiction of the United States. 196

(D) "Dependent" means an individual wholly or partially 197
dependent upon the victim for care and support, and includes a 198
child of the victim born after the victim's death. 199

(E) "Economic loss" means economic detriment consisting only of allowable expense, work loss, funeral expense, unemployment benefits loss, replacement services loss, cost of crime scene cleanup, and cost of evidence replacement. If criminally injurious conduct causes death, economic loss includes a dependent's economic loss and a dependent's replacement services loss. Noneconomic detriment is not economic loss; however, economic loss may be caused by pain and suffering or physical impairment.

(F)(1) "Allowable expense" means reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care and including replacement costs for hearing aids; dentures, retainers, and other dental appliances; canes, walkers, and other mobility tools; and eyeglasses and other corrective lenses. It does not include that portion of a charge for a room in a hospital, clinic, convalescent home, nursing home, or any other institution engaged in providing nursing care and related services in excess of a reasonable and customary charge for semiprivate accommodations, unless accommodations other than semiprivate accommodations are medically required.

(2) An immediate family member of a victim of criminally injurious conduct that consists of a homicide, a sexual assault, domestic violence, or a severe and permanent incapacitating injury resulting in paraplegia or a similar life-altering condition, who requires psychiatric care or counseling as a result of the criminally injurious conduct, may be reimbursed for that care or counseling as an allowable expense through the victim's application. The cumulative allowable expense for care or counseling of that nature shall not exceed two thousand five hundred dollars for each immediate family member of a victim of that type and seven thousand five hundred dollars in the aggregate

for all immediate family members of a victim of that type. 232

(3) A family member of a victim who died as a proximate 233
result of criminally injurious conduct may be reimbursed as an 234
allowable expense through the victim's application for wages lost 235
and travel expenses incurred in order to attend criminal justice 236
proceedings arising from the criminally injurious conduct. The 237
cumulative allowable expense for wages lost and travel expenses 238
incurred by a family member to attend criminal justice proceedings 239
shall not exceed five hundred dollars for each family member of 240
the victim and two thousand dollars in the aggregate for all 241
family members of the victim. 242

(4)(a) "Allowable expense" includes reasonable expenses and 243
fees necessary to obtain a guardian's bond pursuant to section 244
2109.04 of the Revised Code when the bond is required to pay an 245
award to a fiduciary on behalf of a minor or other incompetent. 246

(b) "Allowable expense" includes attorney's fees not 247
exceeding one thousand dollars, at a rate not exceeding one 248
hundred dollars per hour, incurred to successfully obtain a 249
restraining order, custody order, or other order to physically 250
separate a victim from an offender. Attorney's fees for the 251
services described in this division may include an amount for 252
reasonable travel time incurred to attend court hearings, not 253
exceeding three hours' round-trip for each court hearing, assessed 254
at a rate not exceeding thirty dollars per hour. 255

(G) "Work loss" means loss of income from work that the 256
injured person would have performed if the person had not been 257
injured and expenses reasonably incurred by the person to obtain 258
services in lieu of those the person would have performed for 259
income, reduced by any income from substitute work actually 260
performed by the person, or by income the person would have earned 261
in available appropriate substitute work that the person was 262
capable of performing but unreasonably failed to undertake. 263

(H) "Replacement services loss" means expenses reasonably 264
incurred in obtaining ordinary and necessary services in lieu of 265
those the injured person would have performed, not for income, but 266
for the benefit of the person's self or family, if the person had 267
not been injured. 268

(I) "Dependent's economic loss" means loss after a victim's 269
death of contributions of things of economic value to the victim's 270
dependents, not including services they would have received from 271
the victim if the victim had not suffered the fatal injury, less 272
expenses of the dependents avoided by reason of the victim's 273
death. If a minor child of a victim is adopted after the victim's 274
death, the minor child continues after the adoption to incur a 275
dependent's economic loss as a result of the victim's death. If 276
the surviving spouse of a victim remarries, the surviving spouse 277
continues after the remarriage to incur a dependent's economic 278
loss as a result of the victim's death. 279

(J) "Dependent's replacement services loss" means loss 280
reasonably incurred by dependents after a victim's death in 281
obtaining ordinary and necessary services in lieu of those the 282
victim would have performed for their benefit if the victim had 283
not suffered the fatal injury, less expenses of the dependents 284
avoided by reason of the victim's death and not subtracted in 285
calculating the dependent's economic loss. If a minor child of a 286
victim is adopted after the victim's death, the minor child 287
continues after the adoption to incur a dependent's replacement 288
services loss as a result of the victim's death. If the surviving 289
spouse of a victim remarries, the surviving spouse continues after 290
the remarriage to incur a dependent's replacement services loss as 291
a result of the victim's death. 292

(K) "Noneconomic detriment" means pain, suffering, 293
inconvenience, physical impairment, or other nonpecuniary damage. 294

(L) "Victim" means a person who suffers personal injury or 295

death as a result of any of the following:	296
(1) Criminally injurious conduct;	297
(2) The good faith effort of any person to prevent criminally injurious conduct;	298 299
(3) The good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.	300 301
(M) "Contributory misconduct" means any conduct of the claimant or of the victim through whom the claimant claims an award of reparations that is unlawful or intentionally tortious and that, without regard to the conduct's proximity in time or space to the criminally injurious conduct, has a causal relationship to the criminally injurious conduct that is the basis of the claim.	302 303 304 305 306 307 308
(N)(1) "Funeral expense" means any reasonable charges that are not in excess of seven thousand five hundred dollars per funeral and that are incurred for expenses directly related to a victim's funeral, cremation, or burial and any wages lost or travel expenses incurred by a family member of a victim in order to attend the victim's funeral, cremation, or burial.	309 310 311 312 313 314
(2) An award for funeral expenses shall be applied first to expenses directly related to the victim's funeral, cremation, or burial. An award for wages lost or travel expenses incurred by a family member of the victim shall not exceed five hundred dollars for each family member and shall not exceed in the aggregate the difference between seven thousand five hundred dollars and expenses that are reimbursed by the program and that are directly related to the victim's funeral, cremation, or burial.	315 316 317 318 319 320 321 322
(O) "Unemployment benefits loss" means a loss of unemployment benefits pursuant to Chapter 4141. of the Revised Code when the loss arises solely from the inability of a victim to meet the able to work, available for suitable work, or the actively seeking	323 324 325 326

suitable work requirements of division (A)(4)(a) of section 327
4141.29 of the Revised Code. 328

(P) "OVI violation" means any of the following: 329

(1) A violation of section 4511.19 of the Revised Code, of 330
any municipal ordinance prohibiting the operation of a vehicle 331
while under the influence of alcohol, a drug of abuse, or a 332
combination of them, or of any municipal ordinance prohibiting the 333
operation of a vehicle with a prohibited concentration of alcohol, 334
a controlled substance, or a metabolite of a controlled substance 335
in the whole blood, blood serum or plasma, breath, or urine; 336

(2) A violation of division (A)(1) of section 2903.06 of the 337
Revised Code; 338

(3) A violation of division (A)(2), (3), or (4) of section 339
2903.06 of the Revised Code or of a municipal ordinance 340
substantially similar to any of those divisions, if the offender 341
was under the influence of alcohol, a drug of abuse, or a 342
combination of them, at the time of the commission of the offense; 343

(4) For purposes of any person described in division (A)(2) 344
of this section, a violation of any law of the state, district, 345
territory, or foreign country in which the criminally injurious 346
conduct occurred, if that law is substantially similar to a 347
violation described in division (P)(1) or (2) of this section or 348
if that law is substantially similar to a violation described in 349
division (P)(3) of this section and the offender was under the 350
influence of alcohol, a drug of abuse, or a combination of them, 351
at the time of the commission of the offense. 352

(Q) "Pendency of the claim" for an original reparations 353
application or supplemental reparations application means the 354
period of time from the date the criminally injurious conduct upon 355
which the application is based occurred until the date a final 356
decision, order, or judgment concerning that original reparations 357

application or supplemental reparations application is issued.	358
(R) "Terrorism" means any activity to which all of the	359
following apply:	360
(1) The activity involves a violent act or an act that is	361
dangerous to human life.	362
(2) The act described in division (R)(1) of this section is	363
committed within the territorial jurisdiction of the United States	364
and is a violation of the criminal laws of the United States, this	365
state, or any other state or the act described in division (R)(1)	366
of this section is committed outside the territorial jurisdiction	367
of the United States and would be a violation of the criminal laws	368
of the United States, this state, or any other state if committed	369
within the territorial jurisdiction of the United States.	370
(3) The activity appears to be intended to do any of the	371
following:	372
(a) Intimidate or coerce a civilian population;	373
(b) Influence the policy of any government by intimidation or	374
coercion;	375
(c) Affect the conduct of any government by assassination or	376
kidnapping.	377
(4) The activity occurs primarily outside the territorial	378
jurisdiction of the United States or transcends the national	379
boundaries of the United States in terms of the means by which the	380
activity is accomplished, the person or persons that the activity	381
appears intended to intimidate or coerce, or the area or locale in	382
which the perpetrator or perpetrators of the activity operate or	383
seek asylum.	384
(S) "Transcends the national boundaries of the United States"	385
means occurring outside the territorial jurisdiction of the United	386
States in addition to occurring within the territorial	387

jurisdiction of the United States.	388
(T) "Cost of crime scene cleanup" means any of the following:	389
(1) The replacement cost for items of clothing removed from a victim in order to make an assessment of possible physical harm or to treat physical harm;	390 391 392
(2) Reasonable and necessary costs of cleaning the scene and repairing, for the purpose of personal security, property damaged at the scene where the criminally injurious conduct occurred, not to exceed seven hundred fifty dollars in the aggregate per claim.	393 394 395 396
(U) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed seven hundred fifty dollars in the aggregate per claim.	397 398 399 400
(V) "Provider" means any person who provides a victim or claimant with a product, service, or accommodations that are an allowable expense or a funeral expense.	401 402 403
(W) "Immediate family member" means an individual who resided in the same permanent household as a victim at the time of the criminally injurious conduct and who is related to the victim by affinity or consanguinity.	404 405 406 407
(X) "Family member" means an individual who is related to a victim by affinity or consanguinity.	408 409
<u>(Y) "Survivor of abduction" means either of the following:</u>	410
<u>(1) A person who is the victim of a violation of section 2905.01 of the Revised Code who regained freedom on May 6, 2013, and to whom both of the following apply:</u>	411 412 413
<u>(a) The person was restrained by force or threat for a period of at least eight years between August 2002 and May 2013;</u>	414 415
<u>(b) The person was subjected to unwanted sexual activity or serious physical harm.</u>	416 417

(2) Any child born as a proximate result of a violation of section 2905.01 of the Revised Code to a person who was the victim of that violation and who is a survivor of abduction.

Sec. 2743.56. (A) A claim for an award of reparations shall be commenced by filing an application for an award of reparations with the attorney general. The application may be filed by mail. If the application is filed by mail, the post-marked date of the application shall be considered the filing date of the application. The application shall be in a form prescribed by the attorney general and shall include a release authorizing the attorney general and the court of claims to obtain any report, document, or information that relates to the determination of the claim for an award of reparations that is requested in the application.

(B) All applications for an award of reparations shall be filed as follows:

(1) If the victim of the criminally injurious conduct was a minor, within two years of the victim's eighteenth birthday or within two years from the date a complaint, indictment, or information is filed against the alleged offender, whichever is later. This division does not require that a complaint, indictment, or information be filed against an alleged offender in order for an application for an award of reparations to be filed pertaining to a victim who was a minor if the application is filed within two years of the victim's eighteenth birthday, and does not affect the provisions of section 2743.64 of the Revised Code.

(2) If the victim of the criminally injurious conduct was an adult, at any time after the occurrence of the criminally injurious conduct;

(3) If the victim of the criminally injurious conduct is a survivor of abduction as defined in section 2743.51 of the Revised

Code, at any time after the occurrence of the criminally injurious 449
conduct. 450

Sec. 2743.59. (A)(1) The attorney general shall fully 451
investigate a claim for an award of reparations, regardless of 452
whether any person is prosecuted for or convicted of committing 453
the criminally injurious conduct alleged in the application. ~~After~~ 454

(2) Before conducting the investigation required under 455
division (A)(1) of this section, the attorney general shall 456
determine whether the claimant is a survivor of abduction. If the 457
attorney general finds that the claimant is a survivor of 458
abduction, the attorney general shall award the claimant 459
twenty-five thousand dollars, payable once per year, for a period 460
of years lasting the number of years that the claimant was 461
restrained. The attorney general is not required to make a written 462
finding of fact and decision concerning a claimant that the 463
attorney general determines is a survivor of abduction. The amount 464
received by the claimant shall be reduced by any other award of 465
reparations under this section for the criminally injurious 466
conduct alleged in the application. 467

(3) Except as provided in division (A)(2) of this section, 468
after completing the investigation, the attorney general shall 469
make a written finding of fact and decision concerning an award of 470
reparations. 471

(B)(1) The attorney general may require the claimant to 472
supplement the application for an award of reparations with any 473
further information or documentary materials, including any 474
medical report readily available, that may lead to any relevant 475
facts in the determination of whether, and the extent to which, a 476
claimant qualifies for an award of reparations. The attorney 477
general may depose any witness, including the claimant, pursuant 478
to Civil Rules 28, 30, and 45. 479

(2)(a) For the purpose of determining whether, and the extent 480
to which, a claimant qualifies for an award of reparations, the 481
attorney general may issue subpoenas and subpoenas duces tecum to 482
compel any person or entity, including any collateral source, that 483
provided, will provide, or would have provided to the victim any 484
income, benefit, advantage, product, service, or accommodation, 485
including any medical care or other income, benefit, advantage, 486
product, service, or accommodation that might qualify as an 487
allowable expense or a funeral expense, to produce materials to 488
the attorney general that are relevant to the income, benefit, 489
advantage, product, service, or accommodation that was, will be, 490
or would have been so provided and to the attorney general's 491
determination. 492

(b) If the attorney general issues a subpoena or subpoena 493
duces tecum under division (B)(2)(a) of this section and if the 494
materials that the attorney general requires to be produced are 495
located outside this state, the attorney general may designate one 496
or more representatives, including officials of the state in which 497
the materials are located, to inspect the materials on the 498
attorney general's behalf, and the attorney general may respond to 499
similar requests from officials of other states. The person or 500
entity subpoenaed may make the materials available to the attorney 501
general at a convenient location within the state. 502

(c) At any time before the return day specified in the 503
subpoena or subpoena duces tecum issued under division (B)(2)(a) 504
of this section or within twenty days after the subpoena or 505
subpoena duces tecum has been served, whichever period is shorter, 506
the person or entity subpoenaed may file with a judge of the court 507
of claims a petition to extend the return day or to modify or 508
quash the subpoena or subpoena duces tecum. The petition shall 509
state good cause. 510

(d) A person or entity who is subpoenaed under division 511

(B)(2)(a) of this section shall comply with the terms of the 512
subpoena or subpoena duces tecum unless otherwise provided by an 513
order of a judge of the court of claims entered prior to the day 514
for return contained in the subpoena or as extended by the court. 515
If a person or entity fails without lawful excuse to obey a 516
subpoena or subpoena duces tecum issued under division (B)(2)(a) 517
of this section or to produce relevant materials, the attorney 518
general may apply to a judge of the court of claims for and obtain 519
an order adjudging the person or entity in contempt of court. 520

(C) The finding of fact and decision that is issued by the 521
attorney general pursuant to division (A) of this section shall 522
contain all of the following: 523

(1) Whether the criminally injurious conduct that is the 524
basis for the application did occur, the date on which the conduct 525
occurred, and the exact nature of the conduct; 526

(2) Whether the criminally injurious conduct was reported to 527
a law enforcement officer or agency, the date on which the conduct 528
was reported, the name of the person who reported the conduct, and 529
the reasons why the conduct was not reported to a law enforcement 530
officer or agency; 531

(3) The exact nature of the injuries that the victim 532
sustained as a result of the criminally injurious conduct; 533

(4) A specific list of the economic loss that was sustained 534
as a result of the criminally injurious conduct by the victim, the 535
claimant, or a dependent; 536

(5) A specific list of any benefits or advantages that the 537
victim, the claimant, or a dependent has received or is entitled 538
to receive from any collateral source for economic loss that 539
resulted from the conduct and whether a collateral source would 540
have reimbursed the claimant for a particular expense if a timely 541
claim had been made, and the extent to which the expenses likely 542

would have been reimbursed by the collateral source; 543

(6) A description of any evidence in support of contributory 544
misconduct by the claimant or by the victim through whom the 545
claimant claims an award of reparations, whether the victim has 546
been convicted of a felony or has a record of felony arrests under 547
the laws of this state, another state, or the United States, 548
whether disqualifying conditions exist under division (E) of 549
section 2743.60 of the Revised Code, and whether there is evidence 550
that the victim engaged in an ongoing course of criminal conduct 551
within five years or less of the criminally injurious conduct that 552
is the subject of the claim; 553

(7) Whether the victim of the criminally injurious conduct 554
was a minor; 555

(8) If the victim of the criminally injurious conduct was a 556
minor, whether a complaint, indictment, or information was filed 557
against the alleged offender and, if such a filing occurred, its 558
date; 559

(9) Any information that is relevant to the claim for an 560
award of reparations. 561

(D) The decision that is issued by the attorney general 562
pursuant to division (A) of this section shall contain all of the 563
following: 564

(1) A statement as to whether a claimant is eligible for an 565
award of reparations, whether payments made pursuant to the award 566
are to be made to the claimant, to a provider, or jointly to the 567
claimant and a provider, and the amount of the payments to the 568
claimant or provider; 569

(2) A statement as to whether any of the payments made 570
pursuant to the award should be paid in a lump sum or in 571
installments; 572

(3) If the attorney general decides that an award not be made 573
to the claimant, the reasons for that decision. 574

(E) The attorney general shall make a written finding of fact 575
and decision in accordance with sections 2743.51 to 2743.72 of the 576
Revised Code within one hundred twenty days after receiving the 577
claim application. The attorney general may extend the 578
one-hundred-twenty-day time limit and shall record in writing 579
specific reasons to justify the extension. The attorney general 580
shall notify the claimant of the extension and of the reasons for 581
the extension. The attorney general shall serve a copy of its 582
written finding of fact and decision upon the claimant. 583

Sec. 2743.60. (A) The attorney general, a court of claims 584
panel of commissioners, or a judge of the court of claims shall 585
not make or order an award of reparations to a claimant if the 586
criminally injurious conduct upon which the claimant bases a claim 587
never was reported to a law enforcement officer or agency. 588

(B)(1) The attorney general, a panel of commissioners, or a 589
judge of the court of claims shall not make or order an award of 590
reparations to a claimant if any of the following apply: 591

(a) The claimant is the offender or an accomplice of the 592
offender who committed the criminally injurious conduct, or the 593
award would unjustly benefit the offender or accomplice. 594

(b) Except as provided in division (B)(2) of this section, 595
both of the following apply: 596

(i) The victim was a passenger in a motor vehicle and knew or 597
reasonably should have known that the driver was under the 598
influence of alcohol, a drug of abuse, or both. 599

(ii) The claimant is seeking compensation for injuries 600
proximately caused by the driver described in division 601
(B)(1)(b)(i) of this section being under the influence of alcohol, 602

a drug of abuse, or both. 603

(c) Both of the following apply: 604

(i) The victim was under the influence of alcohol, a drug of 605
abuse, or both and was a passenger in a motor vehicle and, if 606
sober, should have reasonably known that the driver was under the 607
influence of alcohol, a drug of abuse, or both. 608

(ii) The claimant is seeking compensation for injuries 609
proximately caused by the driver described in division 610
(B)(1)(b)(i) of this section being under the influence of alcohol, 611
a drug of abuse, or both. 612

(2) Division (B)(1)(b) of this section does not apply if on 613
the date of the occurrence of the criminally injurious conduct, 614
the victim was under sixteen years of age or was at least sixteen 615
years of age but less than eighteen years of age and was riding 616
with a parent, guardian, or care-provider. 617

(C) The attorney general, a panel of commissioners, or a 618
judge of the court of claims, upon a finding that the claimant or 619
victim has not fully cooperated with appropriate law enforcement 620
agencies, may deny a claim or reconsider and reduce an award of 621
reparations. 622

(D) The attorney general, a panel of commissioners, or a 623
judge of the court of claims shall reduce an award of reparations 624
or deny a claim for an award of reparations that is otherwise 625
payable to a claimant to the extent that the economic loss upon 626
which the claim is based is recouped from other persons, including 627
collateral sources. If an award is reduced or a claim is denied 628
because of the expected recoupment of all or part of the economic 629
loss of the claimant from a collateral source, the amount of the 630
award or the denial of the claim shall be conditioned upon the 631
claimant's economic loss being recouped by the collateral source. 632
If the award or denial is conditioned upon the recoupment of the 633

claimant's economic loss from a collateral source and it is 634
determined that the claimant did not unreasonably fail to present 635
a timely claim to the collateral source and will not receive all 636
or part of the expected recoupment, the claim may be reopened and 637
an award may be made in an amount equal to the amount of expected 638
recoupment that it is determined the claimant will not receive 639
from the collateral source. 640

If the claimant recoups all or part of the economic loss upon 641
which the claim is based from any other person or entity, 642
including a collateral source, the attorney general may recover 643
pursuant to section 2743.72 of the Revised Code the part of the 644
award that represents the economic loss for which the claimant 645
received the recoupment from the other person or entity. 646

(E)(1) Except as otherwise provided in division (E)(2) of 647
this section, the attorney general, a panel of commissioners, or a 648
judge of the court of claims shall not make an award to a claimant 649
if any of the following applies: 650

(a) The victim was convicted of a felony within ten years 651
prior to the criminally injurious conduct that gave rise to the 652
claim or is convicted of a felony during the pendency of the 653
claim. 654

(b) The claimant was convicted of a felony within ten years 655
prior to the criminally injurious conduct that gave rise to the 656
claim or is convicted of a felony during the pendency of the 657
claim. 658

(c) It is proved by a preponderance of the evidence that the 659
victim or the claimant engaged, within ten years prior to the 660
criminally injurious conduct that gave rise to the claim or during 661
the pendency of the claim, in an offense of violence, a violation 662
of section 2925.03 of the Revised Code, or any substantially 663
similar offense that also would constitute a felony under the laws 664

of this state, another state, or the United States. 665

(d) The claimant was convicted of a violation of section 666
2919.22 or 2919.25 of the Revised Code, or of any state law or 667
municipal ordinance substantially similar to either section, 668
within ten years prior to the criminally injurious conduct that 669
gave rise to the claim or during the pendency of the claim. 670

(e) It is proved by a preponderance of the evidence that the 671
victim at the time of the criminally injurious conduct that gave 672
rise to the claim engaged in conduct that was a felony violation 673
of section 2925.11 of the Revised Code or engaged in any 674
substantially similar conduct that would constitute a felony under 675
the laws of this state, another state, or the United States. 676

(2) The attorney general, a panel of commissioners, or a 677
judge of the court of claims may make an award to a minor 678
dependent of a deceased victim for dependent's economic loss or 679
for counseling pursuant to division (F)(2) of section 2743.51 of 680
the Revised Code if the minor dependent is not ineligible under 681
division (E)(1) of this section due to the minor dependent's 682
criminal history and if the victim was not killed while engaging 683
in illegal conduct that contributed to the criminally injurious 684
conduct that gave rise to the claim. For purposes of this section, 685
the use of illegal drugs by the deceased victim shall not be 686
deemed to have contributed to the criminally injurious conduct 687
that gave rise to the claim. 688

(F) In determining whether to make an award of reparations 689
pursuant to this section, the attorney general or panel of 690
commissioners shall consider whether there was contributory 691
misconduct by the victim or the claimant. The attorney general, a 692
panel of commissioners, or a judge of the court of claims shall 693
reduce an award of reparations or deny a claim for an award of 694
reparations to the extent it is determined to be reasonable 695
because of the contributory misconduct of the claimant or the 696

victim. 697

When the attorney general decides whether a claim should be 698
denied because of an allegation of contributory misconduct, the 699
burden of proof on the issue of that alleged contributory 700
misconduct shall be upon the claimant, if either of the following 701
apply: 702

(1) The victim was convicted of a felony more than ten years 703
prior to the criminally injurious conduct that is the subject of 704
the claim or has a record of felony arrests under the laws of this 705
state, another state, or the United States. 706

(2) There is good cause to believe that the victim engaged in 707
an ongoing course of criminal conduct within five years or less of 708
the criminally injurious conduct that is the subject of the claim. 709

(G) The attorney general, a panel of commissioners, or a 710
judge of the court of claims shall not make an award of 711
reparations to a claimant if the criminally injurious conduct that 712
caused the injury or death that is the subject of the claim 713
occurred to a victim who was an adult and while the victim, after 714
being convicted of or pleading guilty to an offense, was serving a 715
sentence of imprisonment in any detention facility, as defined in 716
section 2921.01 of the Revised Code. 717

(H) If a claimant unreasonably fails to present a claim 718
timely to a source of benefits or advantages that would have been 719
a collateral source and that would have reimbursed the claimant 720
for all or a portion of a particular expense, the attorney 721
general, a panel of commissioners, or a judge of the court of 722
claims may reduce an award of reparations or deny a claim for an 723
award of reparations to the extent that it is reasonable to do so. 724

(I) Reparations Except as provided in division (A)(2) of 725
section 2743.59 of the Revised Code, reparations payable to a 726
victim and to all other claimants sustaining economic loss because 727

of injury to or the death of that victim shall not exceed fifty 728
thousand dollars in the aggregate. If the attorney general, a 729
panel of commissioners, or a judge of the court of claims reduces 730
an award under division (F) of this section, the maximum aggregate 731
amount of reparations payable under this division shall be reduced 732
proportionately to the reduction under division (F) of this 733
section. 734

(J) Nothing in this section shall be construed to prohibit an 735
award to a claimant whose claim is based on the claimant's being a 736
victim of a violation of section 2905.32 of the Revised Code if 737
the claimant was less than eighteen years of age when the 738
criminally injurious conduct occurred. 739

Sec. 2743.66. (A) Except as provided in division (F) of 740
this section, a decision of the attorney general, order of a court 741
of claims panel of commissioners, or judgment of a judge of the 742
court of claims granting an award of reparations may provide for 743
the payment of the award in a lump sum or in installments. The 744
part of an award equal to the amount of economic loss accrued to 745
the date of the award shall be paid in a lump sum. An award for 746
allowable expense that would accrue after the award is made shall 747
not be paid in a lump sum. Except as provided in division (B) of 748
this section, the part of an award not paid in a lump sum shall be 749
paid in installments. 750

(B) Upon the motion of the claimant, the attorney general may 751
commute future economic loss, other than allowable expense, to a 752
lump sum but only upon a finding that either of the following 753
applies: 754

(1) The award in a lump sum will promote the interests of the 755
claimant. 756

(2) The present value of all future economic loss, other than 757
allowable expense, does not exceed one thousand dollars. 758

(C) The attorney general may make an award for future economic loss payable in installments only for a period as to which future economic loss reasonably can be determined. An award for future economic loss payable in installments may be reconsidered and modified upon a finding that a material and substantial change of circumstances has occurred.

(D) An award is not subject to execution, attachment, garnishment, or other process, except that, upon receipt of an award by a claimant:

(1) The part of the award that is for allowable expense or funeral expense is not exempt from such action by a creditor to the extent that the creditor provided products, services, or accommodations the costs of which are included in the award.

(2) The part of the award that is for work loss shall not be exempt from such action to secure payment of spousal support, other maintenance, or child support.

(3) The attorney general may recover the award pursuant to section 2743.72 of the Revised Code if it is discovered that the claimant actually was not eligible for the award or that the award otherwise should not have been made under the standards and criteria set forth in sections 2743.51 to 2743.72 of the Revised Code.

(4) If the claimant receives compensation from any other person or entity, including a collateral source, for an expense that is included within the award, the attorney general may recover pursuant to section 2743.72 of the Revised Code the part of the award that represents the expense for which the claimant received the compensation from the other person or entity.

(E) If a person entitled to an award of reparations is under eighteen years of age and if the amount of the award exceeds one thousand dollars, the order providing for the payment of the award

shall specify that the award be paid either to the guardian of the estate of the minor appointed pursuant to Chapter 2111. of the Revised Code or to the person or depository designated by the probate court under section 2111.05 of the Revised Code. If a person entitled to an award of reparations is under eighteen years of age and if the amount of the award is one thousand dollars or less, the order providing for the payment of the award may specify that the award be paid to an adult member of the family of the minor who is legally responsible for the minor's care or to any other person designated by the attorney general or panel of commissioners issuing the decision or order.

(F) Except as provided in division (A)(2) of section 2743.59 of the Revised Code, the payment of an award of reparations to a survivor of abduction shall be paid in installments of twenty-five thousand dollars, once per year for a period of years lasting the number of years that the person was restrained.

Sec. 3333.27. The chancellor of the board of regents shall disburse to the Cleveland state university an amount sufficient to cover living expenses for a survivor of abduction as defined in section 2743.51 of the Revised Code who is enrolled in the Cleveland state university to be disbursed each semester by the Cleveland state university directly to the survivor of abduction.

Sec. 3344.07. There is hereby created within the Cleveland state university the survivors of abduction educational assistance program to provide academic services and instruction to any survivor of abduction as defined in section 2743.51 of the Revised Code. The board of trustees of the Cleveland state university shall administer the program. The board may delegate to officers and employees of the university any of the duties of the board required by this section. The board shall assist each survivor of abduction in the admissions process and, once enrolled, shall

provide each survivor of abduction at least five academic years of 821
instruction at the university at no cost to the survivor of 822
abduction. If the survivor of abduction needs remedial instruction 823
prior to enrollment, the board shall coordinate the instruction 824
with a local community college and shall ensure that the remedial 825
instruction is provided at no cost to the survivor of abduction. 826

Section 2. That existing sections 2743.51, 2743.56, 2743.59, 827
2743.60, and 2743.66 of the Revised Code are hereby repealed. 828

Section 3. This act shall be known as the "Michelle Knight, 829
Amanda Berry, and Gina DeJesus Survivors of Abduction Act." 830

Section 4. This act is hereby declared to be an emergency 831
measure necessary for the immediate preservation of the public 832
peace, health, and safety. The reason for such necessity is to 833
assist survivors of abduction, without delay, in their recovery 834
and transition to freedom and to restore promptly their mental and 835
physical health. Therefore, this act shall go into immediate 836
effect. 837