

As Introduced

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

H. B. No. 261

Representatives Butler, Stinziano

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A BILL

To amend sections 2701.03, 2701.031, 2743.03, 1
2743.04, 2743.09, 2743.121, 2743.20, 2743.52, 2
2743.53, 2743.531, 2743.55, 2743.60, 2743.601, 3
2743.61, 2743.62, 2743.63, 2743.64, 2743.65, 4
2743.66, 2743.67, 2743.68, 2743.69, and 2743.71, 5
to enact section 2743.041, and to repeal section 6
2743.54 of the Revised Code to abolish the office 7
of the Court of Claims commissioner, to transfer 8
the powers of a judge of the Court of Claims to 9
the court; to specify certain powers of a Court of 10
Claims magistrate, to modify the Attorney 11
General's annual report on the crime victims 12
compensation program, to conform existing law to 13
the existing filing period for filing a claim for 14
reparations by an adult, to eliminate the 15
procedure for filing an affidavit of 16
disqualification for a judge of a municipal or 17
county court and instead include the 18
disqualification of a judge of a municipal or 19
county court and a judge of the court of claims 20
within the procedure for filing an affidavit of 21
disqualification for a probate judge, a judge of a 22
court of appeals, and a judge of the court of 23
common pleas, and to change the basis of the per 24

diem compensation of a retired judge who serves on 25
the Court of Claims from the annual compensation 26
of a judge of a court of appeals to the annual 27
compensation of a judge of a court of common 28
pleas. 29

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

Section 1. That sections 2701.03, 2701.031, 2743.03, 2743.04, 30
2743.09, 2743.121, 2743.20, 2743.52, 2743.53, 2743.531, 2743.55, 31
2743.60, 2743.601, 2743.61, 2743.62, 2743.63, 2743.64, 2743.65, 32
2743.66, 2743.67, 2743.68, 2743.69, and 2743.71 be amended and 33
section 2743.041 of the Revised Code be enacted to read as 34
follows: 35

Sec. 2701.03. (A) If a judge of the court of common pleas 36
allegedly is interested in a proceeding pending before the court, 37
allegedly is related to or has a bias or prejudice for or against 38
a party to a proceeding pending before the court or a party's 39
counsel, or allegedly otherwise is disqualified to preside in a 40
proceeding pending before the court, any party to the proceeding 41
or the party's counsel may file an affidavit of disqualification 42
with the clerk of the supreme court in accordance with division 43
(B) of this section. 44

(B) An affidavit of disqualification filed under section 45
2101.39 ~~or~~, 2501.13, 2701.031, or 2743.041 of the Revised Code or 46
division (A) of this section shall be filed with the clerk of the 47
supreme court not less than seven calendar days before the day on 48
which the next hearing in the proceeding is scheduled and shall 49
include all of the following: 50

(1) The specific allegations on which the claim of interest, 51
bias, prejudice, or disqualification is based and the facts to 52

support each of those allegations or, in relation to an affidavit 53
filed against a judge of a court of appeals, a specific allegation 54
that the judge presided in the lower court in the same proceeding 55
and the facts to support that allegation; 56

(2) The jurat of a notary public or another person authorized 57
to administer oaths or affirmations; 58

(3) A certificate indicating that a copy of the affidavit has 59
been served on the probate judge, judge of a court of appeals, ~~or~~ 60
judge of a court of common pleas, judge of a municipal or county 61
court, or judge of the court of claims against whom the affidavit 62
is filed and on all other parties or their counsel; 63

(4) The date of the next scheduled hearing in the proceeding 64
or, if there is no hearing scheduled, a statement that there is no 65
hearing scheduled. 66

(C)(1) Except as provided in division (C)(2) of this section, 67
when an affidavit of disqualification is presented to the clerk of 68
the supreme court for filing under division (B) of this section, 69
all of the following apply: 70

(a) The clerk of the supreme court shall accept the affidavit 71
for filing and shall forward the affidavit to the chief justice of 72
the supreme court. 73

(b) The supreme court shall send notice of the filing of the 74
affidavit to the probate court served by the judge if the 75
affidavit is filed against a probate court judge, to the clerk of 76
the court of appeals served by the judge if the affidavit is filed 77
against a judge of a court of appeals, ~~or~~ to the clerk of the 78
court of common pleas served by the judge if the affidavit is 79
filed against a judge of a court of common pleas, to the clerk of 80
the municipal or county court served by the judge if the affidavit 81
is filed against a judge of a municipal or county court, or to the 82
clerk of the court of claims if the affidavit is filed against a 83

judge of the court of claims. 84

(c) Upon receipt of the notice under division (C)(1)(b) of 85
this section, the probate court, the clerk of the court of 86
appeals, ~~or~~ the clerk of the court of common pleas, the clerk of 87
the municipal or county court, or the clerk of the court of claims 88
shall enter the fact of the filing of the affidavit on the docket 89
of the probate court, the docket of the court of appeals, ~~or~~ the 90
docket in the proceeding in the court of common pleas, the docket 91
of the proceeding in the municipal or county court, or the docket 92
of the proceeding in the court of claims. 93

(2) The clerk of the supreme court shall not accept an 94
affidavit of disqualification presented for filing under division 95
(B) of this section if it is not timely presented for filing or 96
does not satisfy the requirements of divisions (B)(2), (3), and 97
(4) of this section. 98

(D)(1) Except as provided in divisions (D)(2) to (4) of this 99
section, if the clerk of the supreme court accepts an affidavit of 100
disqualification for filing under divisions (B) and (C) of this 101
section, the affidavit deprives the judge against whom the 102
affidavit was filed of any authority to preside in the proceeding 103
until the chief justice of the supreme court, or a justice of the 104
supreme court designated by the chief justice, rules on the 105
affidavit pursuant to division (E) of this section. 106

(2) A judge against whom an affidavit of disqualification has 107
been filed under divisions (B) and (C) of this section may do any 108
of the following that is applicable: 109

(a) If, based on the scheduled hearing date, the affidavit 110
was not timely filed, the judge may preside in the proceeding. 111

(b) If the proceeding is a domestic relations proceeding, the 112
judge may issue any temporary order relating to spousal support 113
pendente lite and the support, maintenance, and allocation of 114

parental rights and responsibilities for the care of children. 115

(c) If the proceeding pertains to a complaint brought 116
pursuant to Chapter 2151. or 2152. of the Revised Code, the judge 117
may issue any temporary order pertaining to the relation and 118
conduct of any other person toward a child who is the subject of a 119
complaint as the interest and welfare of the child may require. 120

(3) A judge against whom an affidavit of disqualification has 121
been filed under divisions (B) and (C) of this section may 122
determine a matter that does not affect a substantive right of any 123
of the parties. 124

(4) If the clerk of the supreme court accepts an affidavit of 125
disqualification for filing under divisions (B) and (C) of this 126
section, if the chief justice of the supreme court, or a justice 127
of the supreme court designated by the chief justice, denies the 128
affidavit of disqualification pursuant to division (E) of this 129
section, and if, after the denial, a second or subsequent 130
affidavit of disqualification regarding the same judge and the 131
same proceeding is filed by the same party who filed or on whose 132
behalf was filed the affidavit that was denied or by counsel for 133
the same party who filed or on whose behalf was filed the 134
affidavit that was denied, the judge against whom the second or 135
subsequent affidavit is filed may preside in the proceeding prior 136
to the ruling of the chief justice of the supreme court, or a 137
justice designated by the chief justice, on the second or 138
subsequent affidavit. 139

(E) If the clerk of the supreme court accepts an affidavit of 140
disqualification for filing under divisions (B) and (C) of this 141
section and if the chief justice of the supreme court, or any 142
justice of the supreme court designated by the chief justice, 143
determines that the interest, bias, prejudice, or disqualification 144
alleged in the affidavit does not exist, the chief justice or the 145
designated justice shall issue an entry denying the affidavit of 146

disqualification. If the chief justice of the supreme court, or 147
any justice of the supreme court designated by the chief justice, 148
determines that the interest, bias, prejudice, or disqualification 149
alleged in the affidavit exists, the chief justice or the 150
designated justice shall issue an entry that disqualifies that 151
judge from presiding in the proceeding and either order that the 152
proceeding be assigned to another judge of the court of which the 153
disqualified judge is a member, to a judge of another court, or to 154
a retired judge. 155

Sec. 2701.031. ~~(A)~~ If a judge of a municipal or county court 156
allegedly is interested in a proceeding pending before the judge, 157
allegedly is related to or has a bias or prejudice for or against 158
a party to a proceeding pending before the judge or to a party's 159
counsel, or allegedly otherwise is disqualified to preside in a 160
proceeding pending before the judge, any party to the proceeding 161
or the party's counsel may file an affidavit of disqualification 162
with the clerk of the supreme court ~~in which the proceeding is~~ 163
~~pending. The affidavit of disqualification shall be filed and~~ 164
decided in accordance with divisions (B) to (E) of section 2701.03 165
of the Revised Code, and, upon the filing of the affidavit, the 166
provisions of those divisions apply to the affidavit, the 167
proceeding, the judge, and the parties to the proceeding. 168

~~(B) An affidavit of disqualification shall be filed under 169
this section with the clerk of the court in which the proceeding 170
is pending not less than seven calendar days before the day on 171
which the next hearing in the proceeding is scheduled and shall 172
include all of the following: 173~~

~~(1) The specific allegations on which the claim of interest, 174
bias, prejudice, or disqualification is based and the facts to 175
support each of those allegations; 176~~

~~(2) The jurat of a notary public or another person authorized 177~~

~~to administer oaths or affirmations;~~ 178

~~(3) A certificate indicating that a copy of the affidavit has
been served on the judge of the municipal or county court against
whom the affidavit is filed and on all other parties or their
counsel;~~ 179
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~~(4) The date of the next scheduled hearing in the proceeding
or, if there is no hearing scheduled, a statement that there is no
hearing scheduled.~~ 183
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~~(C)(1) Except as provided in division (C)(2) of this section,
when an affidavit of disqualification is presented to the clerk of
a municipal or county court for filing under division (B) of this
section, the clerk shall enter the fact of the filing on the
docket in that proceeding and shall provide notice of the filing
of the affidavit to one of the following:~~ 186
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~~(a) The presiding judge of the court of common pleas of the
county;~~ 192
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~~(b) If there is no presiding judge of the court of common
pleas of the county, a judge of the court of common pleas of the
county.~~ 194
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~~(2) The clerk of the municipal or county court in which a
proceeding is pending shall not accept an affidavit of
disqualification presented for filing under division (B) of this
section if it is not timely presented for filing or does not
satisfy the requirements of divisions (B)(2), (3), and (4) of this
section.~~ 197
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~~(D)(1) Except as provided in divisions (D)(2) to (4) of this
section, if the clerk of the municipal or county court in which a
proceeding is pending accepts an affidavit of disqualification for
filing under divisions (B) and (C) of this section, the affidavit
deprives the judge of a municipal or county court against whom the
affidavit was filed of any authority to preside in the proceeding~~ 203
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~~until the judge who was notified pursuant to division (C)(1) of 209
this section rules on the affidavit pursuant to division (E) of 210
this section. 211~~

~~(2) A judge of a municipal or county court against whom an 212
affidavit of disqualification has been filed under divisions (B) 213
and (C) of this section may preside in the proceeding if, based on 214
the scheduled hearing date, the affidavit was not timely filed. 215~~

~~(3) A judge of a municipal or county court against whom an 216
affidavit of disqualification has been filed under divisions (B) 217
and (C) of this section may determine a matter that does not 218
affect a substantive right of any of the parties. 219~~

~~(4) If the clerk of a municipal or county court accepts an 220
affidavit of disqualification for filing under divisions (B) and 221
(C) of this section, if the judge who is notified pursuant to 222
division (C)(1) of this section of the filing of the affidavit of 223
disqualification denies the affidavit pursuant to division (E) of 224
this section, and if, after the denial, a second or subsequent 225
affidavit of disqualification regarding the same judge and the 226
same proceeding is filed by the same party who filed or on whose 227
behalf was filed the affidavit that was denied or by counsel for 228
the same party who filed or on whose behalf was filed the 229
affidavit that was denied, the judge of a municipal or county 230
court against whom the second or subsequent affidavit is filed may 231
preside in the proceeding prior to the ruling, by the judge who is 232
notified pursuant to division (C)(1) of this section, on the 233
second or subsequent affidavit pursuant to division (E) of this 234
section. 235~~

~~(E) If the clerk of a municipal or county court accepts an 236
affidavit of disqualification for filing under divisions (B) and 237
(C) of this section and if the judge who is notified pursuant to 238
division (C)(1) of this section of the filing of the affidavit 239
determines that the interest, bias, prejudice, or disqualification 240~~

~~alleged in the affidavit does not exist, the judge who is so notified shall issue an entry denying the affidavit of disqualification. If the judge who is notified pursuant to division (C)(1) of this section of the filing of the affidavit determines that the interest, bias, prejudice, or disqualification alleged in the affidavit exists, the judge who is so notified shall issue an entry that disqualifies the judge against whom the affidavit was filed from presiding in the proceeding and designate another judge of the municipal or county court, or of the court of common pleas, to preside in the proceeding in place of the disqualified judge.~~

Sec. 2743.03. (A)(1) There is hereby created a court of claims. The court of claims is a court of record and has exclusive, original jurisdiction of all civil actions against the state permitted by the waiver of immunity contained in section 2743.02 of the Revised Code, and exclusive jurisdiction of the causes of action of all parties in civil actions that are removed to the court of claims, ~~and jurisdiction to hear appeals from the decisions of the court of claims commissioners.~~ The court shall have full equity powers in all actions within its jurisdiction and may entertain and determine all counterclaims, cross-claims, and third-party claims.

(2) If the claimant in a civil action as described in division (A)(1) of this section also files a claim for a declaratory judgment, injunctive relief, or other equitable relief against the state that arises out of the same circumstances that gave rise to the civil action described in division (A)(1) of this section, the court of claims has exclusive, original jurisdiction to hear and determine that claim in that civil action. This division does not affect, and shall not be construed as affecting, the original jurisdiction of another court of this state to hear and determine a civil action in which the sole relief that the

claimant seeks against the state is a declaratory judgment, 273
injunctive relief, or other equitable relief. 274

(3) In addition to its exclusive, original jurisdiction as 275
conferred by division (A)(1) and (2) of this section, the court of 276
claims has exclusive, original jurisdiction as described in 277
division (F) of section 2743.02, division (B) of section 3335.03, 278
and division (C) of section 5903.02 of the Revised Code. 279

(B) The court of claims shall sit in Franklin county, its 280
hearings shall be public, and it shall consist of incumbent 281
justices or judges of the supreme court, courts of appeals, or 282
courts of common pleas, or retired justices or judges eligible for 283
active duty pursuant to division (C) of Section 6 of Article IV, 284
Ohio Constitution, sitting by temporary assignment of the chief 285
justice of the supreme court. The chief justice may direct the 286
court to sit in any county for cases on removal upon a showing of 287
substantial hardship and whenever justice dictates. 288

(C)(1) A civil action against the state shall be heard and 289
determined by a single judge. Upon application by the claimant or 290
the state, the chief justice of the supreme court may assign a 291
panel of three judges to hear and determine a civil action 292
presenting novel or complex issues of law or fact. Concurrence of 293
two members of the panel is necessary for any judgment or order. 294

(2) Whenever the chief justice of the supreme court believes 295
an equitable resolution of a case will be expedited, the chief 296
justice may appoint ~~referees~~ magistrates in accordance with Civil 297
Rule 53 to hear the case. 298

(3) When any dispute under division (B) of section 153.12 of 299
the Revised Code is brought to the court of claims, upon request 300
of either party to the dispute, the chief justice of the supreme 301
court shall appoint a single referee or a panel of three referees. 302
The referees need not be attorneys, but shall be persons 303

knowledgeable about construction contract law, a member of the 304
construction industry panel of the American arbitration 305
association, or an individual or individuals deemed qualified by 306
the chief justice to serve. No person shall serve as a referee if 307
that person has been employed by an affected state agency or a 308
contractor or subcontractor involved in the dispute at any time in 309
the preceding five years. Proceedings governing referees shall be 310
in accordance with Civil Rule 53, except as modified by this 311
division. The referee or panel of referees shall submit its 312
report, which shall include a recommendation and finding of fact, 313
to the judge assigned to the case by the chief justice, within 314
thirty days of the conclusion of the hearings. Referees appointed 315
pursuant to this division shall be compensated on a per diem basis 316
at the same rate as is paid to judges of the court and also shall 317
be paid their expenses. If a single referee is appointed or a 318
panel of three referees is appointed, then, with respect to one 319
referee of the panel, the compensation and expenses of the referee 320
shall not be taxed as part of the costs in the case but shall be 321
included in the budget of the court. If a panel of three referees 322
is appointed, the compensation and expenses of the two remaining 323
referees shall be taxed as costs of the case. 324

All costs of a case shall be apportioned among the parties. 325
The court may not require that any party deposit with the court 326
cash, bonds, or other security in excess of two hundred dollars to 327
guarantee payment of costs without the prior approval in each case 328
of the chief justice. 329

(4) An appeal from a decision of the ~~court of claims~~ 330
~~commissioners~~ attorney general pursuant to sections 2743.51 to 331
2743.72 of the Revised Code shall be heard and determined by one 332
judge of the court of claims. 333

(D) The Rules of Civil Procedure shall govern practice and 334
procedure in all actions in the court of claims, except insofar as 335

inconsistent with this chapter. The supreme court may promulgate 336
rules governing practice and procedure in actions in the court as 337
provided in Section 5 of Article IV, Ohio Constitution. 338

(E)(1) A party who files a counterclaim against the state or 339
makes the state a third-party defendant in an action commenced in 340
any court, other than the court of claims, shall file a petition 341
for removal in the court of claims. The petition shall state the 342
basis for removal, be accompanied by a copy of all process, 343
pleadings, and other papers served upon the petitioner, and shall 344
be signed in accordance with Civil Rule 11. A petition for removal 345
based on a counterclaim shall be filed within twenty-eight days 346
after service of the counterclaim of the petitioner. A petition 347
for removal based on third-party practice shall be filed within 348
twenty-eight days after the filing of the third-party complaint of 349
the petitioner. 350

(2) Within seven days after filing a petition for removal, 351
the petitioner shall give written notice to the parties, and shall 352
file a copy of the petition with the clerk of the court in which 353
the action was brought originally. The filing effects the removal 354
of the action to the court of claims, and the clerk of the court 355
where the action was brought shall forward all papers in the case 356
to the court of claims. The court of claims shall adjudicate all 357
civil actions removed. The court may remand a civil action to the 358
court in which it originated upon a finding that the removal 359
petition does not justify removal, or upon a finding that the 360
state is no longer a party. 361

(3) Bonds, undertakings, or security and injunctions, 362
attachments, sequestrations, or other orders issued prior to 363
removal remain in effect until dissolved or modified by the court 364
of claims. 365

Sec. 2743.04. (A) Judges of the court of claims who are not 366

residents of Franklin county, or when the court sits outside 367
Franklin county the judges who are residents of Franklin county, 368
shall be compensated for their actual and necessary expenses of 369
traveling to and from the place of holding the court. 370

(B) A retired judge shall, in addition to ~~his~~ the judge's 371
retirement allowance, receive per diem compensation for service as 372
a member of the court of claims at a rate computed on the annual 373
compensation of a judge of a court of ~~appeals~~ common pleas. An 374
incumbent judge shall receive additional per diem compensation 375
equal to that allowed retired judges under this section less a per 376
diem amount computed on ~~his~~ the incumbent judge's annual 377
compensation. 378

Sec. 2743.041. If a judge of the court of claims allegedly is 379
interested in a proceeding pending before the judge, allegedly is 380
related to or has a bias or prejudice for or against a party to a 381
proceeding pending before the judge or to a party's counsel, or 382
allegedly otherwise is disqualified to preside in a proceeding 383
pending before the judge, any party to the proceeding or the 384
party's counsel may file an affidavit of disqualification with the 385
clerk of the supreme court. The affidavit of disqualification 386
shall be filed and decided in accordance with divisions (B) to (E) 387
of section 2701.03 of the Revised Code, and, upon the filing of 388
the affidavit, the provisions of those divisions apply to the 389
affidavit, the proceeding, the judge, and the parties to the 390
proceeding. 391

Sec. 2743.09. The clerk of the court of claims shall do all 392
of the following: 393

(A) Administer oaths and take and certify affidavits, 394
depositions, and acknowledgments of powers of attorney and other 395
instruments in writing; 396

(B) Prepare the dockets, enter and record the orders, 397
judgments, decisions, awards, and proceedings of the court of 398
claims ~~and the court of claims commissioners~~, and issue writs and 399
process; 400

(C) Maintain an office in Franklin county in rooms provided 401
by the supreme court for that purpose; 402

(D) Keep an appearance docket of civil actions, and claims 403
for an award of reparations, ~~and appeals from decisions of the~~ 404
~~court of claims commissioners~~. The clerk may refuse to accept for 405
filing any pleading or paper that relates to a civil action in the 406
court of claims and that is submitted for filing by a person who 407
has been found to be a vexatious litigator under section 2323.52 408
of the Revised Code and who has failed to obtain leave to proceed 409
under that section. 410

Upon the commencement of an action or claim, the clerk shall 411
assign it a number. This number shall be placed on the first page, 412
and every continuation page, of the appearance docket that 413
concerns the particular action or claim. In addition, this number 414
and the names of the parties shall be placed on the case file and 415
every paper filed in the action or claim. 416

At the time the action is commenced the clerk shall enter in 417
the appearance docket the names of the parties in full and the 418
names of counsel and shall index the action alphabetically by the 419
last name of each party. Thereafter, the clerk shall 420
chronologically note in the appearance docket all process issued 421
and returns, pleas, motions, papers filed in the action, orders, 422
verdicts, and judgments. The notations shall be brief but shall 423
show the date of filing, substance, and journal volume and page of 424
each order, verdict, and judgment. An action is commenced for 425
purposes of this division by the filing of a complaint, including 426
a form complaint under section 2743.10 of the Revised Code or a 427
petition for removal. 428

At the time an appeal for an award of reparations is 429
commenced, the clerk shall enter the full names of the claimant, 430
the victim, and the attorneys in the appearance docket and shall 431
index the claim alphabetically by the last name of the claimant 432
and the victim. Thereafter, the clerk shall chronologically note 433
in the appearance docket all process issued and returns, motions, 434
papers filed in the claim, orders, decisions, and awards. The 435
notations shall be brief but shall show the date of filing, 436
substance, and journal volume and page of each order. 437

(E) Keep all original papers filed in an action or claim in a 438
separate file folder and a journal in which all orders, verdicts, 439
and judgments of the court ~~and commissioners~~ shall be recorded; 440

(F) Charge and collect fees pursuant to section 2303.20 of 441
the Revised Code, keep a cashbook in which the clerk shall enter 442
the amounts received, make a report to the clerk of the supreme 443
court each quarter of the fees received during the preceding 444
quarter, and pay them monthly into the state treasury; 445

(G) Appoint reporters and other clerical personnel; 446

(H) Under the direction of the chief justice, establish 447
procedures for hearing and determining appeals for an award of 448
reparations pursuant to sections 2743.51 to 2743.72 of the Revised 449
Code. 450

Sec. 2743.121. ~~(A) A panel of court of claims commissioners 451
shall render its decisions as to claims for an award of 452
reparations in writing and shall include separate findings of fact 453
and any conclusions of law that are necessary. Orders as to claims 454
for an award of reparations shall be entered on the journal, and 455
the clerk shall certify on the order the date of journalization 456
and shall send copies of the order and decision to the claimant, 457
the attorney general, and the prosecuting attorney of the county 458
in which the criminally injurious conduct occurred. 459~~

~~(B) A judge of the~~ The court of claims shall render ~~the~~ 460
~~judge's~~ its decisions as to appeals from decisions of ~~a panel of~~ 461
~~court of claims commissioners~~ the attorney general pursuant to 462
sections 2743.51 to 2743.72 of the Revised Code in writing and 463
shall include a separate finding for each issue contested upon 464
appeal. Orders as to appeals shall be entered on the journal, and 465
the clerk shall certify on the order the date of journalization 466
and shall send copies of the order and decision to the claimant, 467
the attorney general, and the prosecuting attorney of the county 468
in which the criminally injurious conduct occurred. 469

Sec. 2743.20. Appeals from orders and judgments of the court 470
of claims lie to the same courts under the same circumstances, as 471
appeals from the court of common pleas of Franklin county, and the 472
same rules of law govern their determination. The decision of the 473
court of claims with respect to an appeal from a decision of the 474
~~court of claims commissioners~~ the attorney general pursuant to 475
sections 2743.51 to 2743.72 of the Revised Code is final, and no 476
appeal from the decision of the court of claims lies to any other 477
court. 478

Sec. 2743.52. (A) The attorney general shall make awards of 479
reparations for economic loss arising from criminally injurious 480
conduct, if satisfied by a preponderance of the evidence that the 481
requirements for an award of reparations have been met. 482

(B) A The court of claims ~~panel of commissioners or a judge~~ 483
~~of the court of claims~~ has appellate jurisdiction to order awards 484
of reparations for economic loss arising from criminally injurious 485
conduct, if satisfied by a preponderance of the evidence that the 486
requirements for an award of reparations have been met. 487

(C) A decision of the attorney general, ~~an order of a court~~ 488
~~of claims panel of commissioners,~~ or the judgment of a ~~judge of~~ 489

the court of claims concerning an OVI violation shall not be used 490
as the basis for any civil or criminal action and shall not be 491
admissible as evidence in any civil or criminal proceeding. 492

Sec. 2743.53. ~~(A) A~~ The court of claims ~~panel of~~ 493
~~commissioners~~ shall hear and determine all matters relating to 494
appeals from decisions of the attorney general pursuant to 495
sections 2743.51 to 2743.72 of the Revised Code. 496

~~(B) A judge of the court of claims shall hear and determine 497
all matters relating to appeals from decisions or orders of a 498
panel of commissioners of the court of claims. 499~~

Sec. 2743.531. The court of claims victims of crime fund is 500
hereby created in the state treasury. The fund shall be used to 501
pay the compensation of the ~~court of claims commissioners, the 502
compensation of~~ judges of the court of claims ~~necessary to hear 503
and determine appeals from the commissioners,~~ the compensation of 504
any court of claims personnel needed to administer sections 505
2743.51 to 2743.72 of the Revised Code, and other administrative 506
expenses of hearing and determining ~~appeals by court of claims 507
commissioners and judges~~ under sections 2743.51 to 2743.72 of the 508
Revised Code. 509

At the beginning of each fiscal year, the director of budget 510
and management shall transfer cash from the reparations fund to 511
the court of claims victims of crime fund in an amount sufficient 512
to make the cash balance in the court of claims victims of crime 513
fund equal to the sum of the appropriation for that fiscal year 514
and all prior fiscal year encumbrances. If the appropriation from 515
the court of claims victims of crime fund is increased during the 516
fiscal year, the director shall transfer cash from the reparations 517
fund to the court of claims victims of crime fund in an amount 518
equal to the increase in the appropriation. 519

Sec. 2743.55. ~~(A) The attorney general, a court of claims panel of commissioners, or a judge of the court of claims shall determine all matters relating to claims for an award of reparations. The attorney general, a court of claims panel of commissioners, or a judge of the court of claims may order law enforcement officers to provide copies of any information or data gathered in the investigation of the criminally injurious conduct that is the basis of any claim to enable the attorney general, a court of claims panel of commissioners, or a judge of the court of claims to determine whether, and the extent to which, a claimant qualifies for an award of reparations.~~

~~(B) A court of claims panel of commissioners shall sit in Franklin county.~~

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

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

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

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

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

(ii) The claimant is seeking compensation for injuries

proximately caused by the driver described in division 550
(B)(1)(b)(i) of this section being under the influence of alcohol, 551
a drug of abuse, or both. 552

(c) Both of the following apply: 553

(i) The victim was under the influence of alcohol, a drug of 554
abuse, or both and was a passenger in a motor vehicle and, if 555
sober, should have reasonably known that the driver was under the 556
influence of alcohol, a drug of abuse, or both. 557

(ii) The claimant is seeking compensation for injuries 558
proximately caused by the driver described in division 559
(B)(1)(b)(i) of this section being under the influence of alcohol, 560
a drug of abuse, or both. 561

(2) Division (B)(1)(b) of this section does not apply if on 562
the date of the occurrence of the criminally injurious conduct, 563
the victim was under sixteen years of age or was at least sixteen 564
years of age but less than eighteen years of age and was riding 565
with a parent, guardian, or care-provider. 566

(C) The attorney general, ~~a panel of commissioners,~~ or a 567
~~judge of~~ the court of claims, upon a finding that the claimant or 568
victim has not fully cooperated with appropriate law enforcement 569
agencies, may deny a claim or reconsider and reduce an award of 570
reparations. 571

(D) The attorney general, ~~a panel of commissioners,~~ or a 572
~~judge of~~ the court of claims shall reduce an award of reparations 573
or deny a claim for an award of reparations that is otherwise 574
payable to a claimant to the extent that the economic loss upon 575
which the claim is based is recouped from other persons, including 576
collateral sources. If an award is reduced or a claim is denied 577
because of the expected recoupment of all or part of the economic 578
loss of the claimant from a collateral source, the amount of the 579
award or the denial of the claim shall be conditioned upon the 580

claimant's economic loss being recouped by the collateral source. 581
If the award or denial is conditioned upon the recoupment of the 582
claimant's economic loss from a collateral source and it is 583
determined that the claimant did not unreasonably fail to present 584
a timely claim to the collateral source and will not receive all 585
or part of the expected recoupment, the claim may be reopened and 586
an award may be made in an amount equal to the amount of expected 587
recoupment that it is determined the claimant will not receive 588
from the collateral source. 589

If the claimant recoups all or part of the economic loss upon 590
which the claim is based from any other person or entity, 591
including a collateral source, the attorney general may recover 592
pursuant to section 2743.72 of the Revised Code the part of the 593
award that represents the economic loss for which the claimant 594
received the recoupment from the other person or entity. 595

(E)(1) Except as otherwise provided in division (E)(2) of 596
this section, the attorney general, ~~a panel of commissioners,~~ or a 597
~~judge~~ of the court of claims shall not make an award to a claimant 598
if any of the following applies: 599

(a) The victim was convicted of a felony within ten years 600
prior to the criminally injurious conduct that gave rise to the 601
claim or is convicted of a felony during the pendency of the 602
claim. 603

(b) The claimant was convicted of a felony within ten years 604
prior to the criminally injurious conduct that gave rise to the 605
claim or is convicted of a felony during the pendency of the 606
claim. 607

(c) It is proved by a preponderance of the evidence that the 608
victim or the claimant engaged, within ten years prior to the 609
criminally injurious conduct that gave rise to the claim or during 610
the pendency of the claim, in an offense of violence, a violation 611

of section 2925.03 of the Revised Code, or any substantially 612
similar offense that also would constitute a felony under the laws 613
of this state, another state, or the United States. 614

(d) The claimant was convicted of a violation of section 615
2919.22 or 2919.25 of the Revised Code, or of any state law or 616
municipal ordinance substantially similar to either section, 617
within ten years prior to the criminally injurious conduct that 618
gave rise to the claim or during the pendency of the claim. 619

(e) It is proved by a preponderance of the evidence that the 620
victim at the time of the criminally injurious conduct that gave 621
rise to the claim engaged in conduct that was a felony violation 622
of section 2925.11 of the Revised Code or engaged in any 623
substantially similar conduct that would constitute a felony under 624
the laws of this state, another state, or the United States. 625

(2) The attorney general, ~~a panel of commissioners,~~ or a 626
~~judge of~~ the court of claims may make an award to a minor 627
dependent of a deceased victim for dependent's economic loss or 628
for counseling pursuant to division (F)(2) of section 2743.51 of 629
the Revised Code if the minor dependent is not ineligible under 630
division (E)(1) of this section due to the minor dependent's 631
criminal history and if the victim was not killed while engaging 632
in illegal conduct that contributed to the criminally injurious 633
conduct that gave rise to the claim. For purposes of this section, 634
the use of illegal drugs by the deceased victim shall not be 635
deemed to have contributed to the criminally injurious conduct 636
that gave rise to the claim. 637

(F) In determining whether to make an award of reparations 638
pursuant to this section, the attorney general or ~~panel of~~ 639
~~commissioners~~ the court of claims shall consider whether there was 640
contributory misconduct by the victim or the claimant. The 641
attorney general, ~~a panel of commissioners,~~ or a ~~judge of~~ the 642
court of claims shall reduce an award of reparations or deny a 643

claim for an award of reparations to the extent it is determined 644
to be reasonable because of the contributory misconduct of the 645
claimant or the victim. 646

When the attorney general decides whether a claim should be 647
denied because of an allegation of contributory misconduct, the 648
burden of proof on the issue of that alleged contributory 649
misconduct shall be upon the claimant, if either of the following 650
apply: 651

(1) The victim was convicted of a felony more than ten years 652
prior to the criminally injurious conduct that is the subject of 653
the claim or has a record of felony arrests under the laws of this 654
state, another state, or the United States. 655

(2) There is good cause to believe that the victim engaged in 656
an ongoing course of criminal conduct within five years or less of 657
the criminally injurious conduct that is the subject of the claim. 658

(G) The attorney general, ~~a panel of commissioners,~~ or a 659
~~judge of~~ the court of claims shall not make an award of 660
reparations to a claimant if the criminally injurious conduct that 661
caused the injury or death that is the subject of the claim 662
occurred to a victim who was an adult and while the victim, after 663
being convicted of or pleading guilty to an offense, was serving a 664
sentence of imprisonment in any detention facility, as defined in 665
section 2921.01 of the Revised Code. 666

(H) If a claimant unreasonably fails to present a claim 667
timely to a source of benefits or advantages that would have been 668
a collateral source and that would have reimbursed the claimant 669
for all or a portion of a particular expense, the attorney 670
general, ~~a panel of commissioners,~~ or a ~~judge of~~ the court of 671
claims may reduce an award of reparations or deny a claim for an 672
award of reparations to the extent that it is reasonable to do so. 673

(I) Reparations payable to a victim and to all other 674

claimants sustaining economic loss because of injury to or the 675
death of that victim shall not exceed fifty thousand dollars in 676
the aggregate. If the attorney general, ~~a panel of commissioners,~~ 677
or ~~a judge of~~ the court of claims reduces an award under division 678
(F) of this section, the maximum aggregate amount of reparations 679
payable under this division shall be reduced proportionately to 680
the reduction under division (F) of this section. 681

(J) Nothing in this section shall be construed to prohibit an 682
award to a claimant whose claim is based on the claimant's being a 683
victim of a violation of section 2905.32 of the Revised Code if 684
the claimant was less than eighteen years of age when the 685
criminally injurious conduct occurred. 686

Sec. 2743.601. Except as otherwise provided in this section, 687
the amendments to sections 2743.51, 2743.56, 2743.59, and 2743.60 688
of the Revised Code made by the act in which this section was 689
enacted apply to all applications for an award of reparations 690
filed on or after ~~the effective date of this section~~ September 30, 691
2011, and to all applications for an award of reparations filed 692
before ~~the effective date of this section~~ September 30, 2011, for 693
which an award or denial of the claim by the attorney general, ~~a~~ 694
~~panel of commissioners,~~ or the court of claims has not yet become 695
final. The amendments to section 2743.60 of the Revised Code made 696
by the act in which this section was enacted, to the extent that 697
they eliminate the statute of limitations and to the extent that 698
they remove the seventy-two hour reporting requirement, and the 699
amendments to section 2743.51 of the Revised Code concerning 700
guardian bonds shall apply to all claims for an award of 701
reparations pending on ~~the effective date of this section~~ 702
September 30, 2011, and to all claims for an award of reparations 703
filed on or after ~~the effective date of this section~~ September 30, 704
2011, that are based on criminally injurious conduct not 705
previously addressed by the attorney general, ~~by a panel of~~ 706

~~commissioners~~, or by the court of claims. 707

Sec. 2743.61. (A) The attorney general, on the attorney 708
general's own motion or upon request of a claimant or victim, may 709
reconsider a decision to make an award of reparations, the amount 710
of an award of reparations, or a decision to deny a claim for an 711
award of reparations. A claimant may file a request for 712
reconsideration with the attorney general not later than thirty 713
days after the attorney general renders an initial decision. A 714
claimant may submit with the request any additional information 715
that is relevant to the claimant's claim for an award of 716
reparation. 717

The attorney general shall reconsider the application based 718
upon evidence that is relevant to the application and issue a 719
final decision within sixty days of receiving the request for 720
reconsideration. The attorney general may extend the sixty-day 721
time limit and shall record in writing specific reasons to justify 722
the extension. The attorney general shall notify the claimant of 723
the extension and of the reasons for the extension. 724

If a claimant does not file a request for reconsideration of 725
a decision of the attorney general to make an award or to deny a 726
claim or of the amount of an award within thirty days after the 727
decision is rendered, the award, the denial of the claim, or the 728
amount of the award is final unless the attorney general in the 729
interest of justice allows the reconsideration after the 730
expiration of that period of time. 731

(B) A claimant may appeal an award of reparations, the amount 732
of an award of reparations, or the denial of a claim for an award 733
of reparations that is made by a final decision of the attorney 734
general after any reconsideration. If the final decision of the 735
attorney general with respect to any claim for an award of 736

reparations is appealed, a the court of claims ~~panel of~~ 737
~~commissioners~~, within ninety days of receiving the notice of 738
appeal, shall schedule and conduct a hearing on the appeal. The 739
~~panel of commissioners~~ court shall determine the appeal within 740
sixty days from the date of the hearing on the basis of the record 741
of the hearing before the ~~commissioners~~ court, including the 742
original award or denial and the finding of fact of the attorney 743
general, any information or documents that the attorney general 744
used in the investigation, any information or data provided to the 745
attorney general, any briefs or oral arguments that may be 746
requested by a the court of claims ~~panel of commissioners~~, and any 747
additional evidence presented at the hearing. The ~~panel of~~ 748
~~commissioners~~ court may extend the sixty-day time limit and shall 749
record in writing specific reasons to justify the extension. The 750
attorney general shall supply the ~~panel of commissioners~~ court 751
with the original decision awarding or denying compensation, the 752
finding of fact of the attorney general, any information or 753
documents that the attorney general used in the investigation, and 754
any information or data provided to the attorney general within 755
fourteen days of the filing of the objection and notice of appeal 756
by the applicant. The ~~panel of commissioners~~ court shall notify 757
the claimant and attorney general of the extension and of the 758
reasons for the extension. If upon hearing and consideration of 759
the record and evidence, the court of claims ~~panel of~~ 760
~~commissioners~~ decides that the decision of the attorney general 761
appealed from is reasonable and lawful, it shall affirm the same. 762
If the court of claims ~~panel of commissioners~~ decides that the 763
decision of the attorney general is not supported by a 764
preponderance of the evidence or is unreasonable or unlawful, ~~it~~ 765
the court shall reverse and vacate the decision or modify it and 766
enter judgment thereon. The 767

~~(C) The attorney general or a claimant may appeal an award of~~ 768
~~reparations, the amount of an award of reparations, or the denial~~ 769

~~of a claim for an award of reparations that is made by a panel of 770
court of claims commissioners. If the determination of the panel 771
of commissioners with respect to any claim for an award of 772
reparations is appealed, a judge of the court of claims shall hear 773
and determine the appeal on the basis of the record of the hearing 774
before the commissioners, including the original award or denial 775
made by the attorney general, any information or documents 776
presented to the panel of commissioners, and any briefs or oral 777
arguments that may be requested by the judge. If upon hearing and 778
consideration of the record and evidence, the judge decides that 779
the decision of the panel of commissioners is unreasonable or 780
unlawful, the judge shall reverse and vacate the decision or 781
modify it and enter judgment on the claim. The decision of the 782
judge of the court of claims is final. 783~~

~~(D)(C) Notices of an appeal concerning an award of 784
reparations shall be filed within thirty days after the date on 785
which the award or the denial of a claim is made by a final 786
decision of the attorney general. If a notice of appeal is not 787
filed within the thirty-day period, the award or denial of the 788
claim is final unless a the court of claims ~~panel of commissioners~~ 789
in the interests of justice allows the appeal. 790~~

~~(E) The attorney general or a claimant shall file a notice of 791
an appeal concerning an order or decision of a panel of 792
commissioners within thirty days after the date on which the award 793
or the denial of a claim is made by the panel of commissioners. If 794
the attorney general or a claimant does not file a notice of 795
appeal with respect to an award or denial within the thirty day 796
period, the award or denial of the claim is final unless a judge 797
of the court of claims in the interests of justice allows the 798
appeal. 799~~

Sec. 2743.62. (A)(1) Subject to division (A)(2) of this 800

section, there is no privilege, except the privileges arising from 801
the attorney-client relationship, as to communications or records 802
that are relevant to the physical, mental, or emotional condition 803
of the claimant or victim in a proceeding under sections 2743.51 804
to 2743.72 of the Revised Code in which that condition is an 805
element. 806

(2)(a) Except as specified in division (A)(2)(b) of this 807
section, any record or report that a judge of the court of claims, 808
~~a court of claims panel of commissioners,~~ or the attorney general 809
has obtained prior to, or obtains on or after, June 30, 1998, 810
under the provisions of sections 2743.51 to 2743.72 of the Revised 811
Code and that is confidential or otherwise exempt from public 812
disclosure under section 149.43 of the Revised Code while in the 813
possession of the creator of the record or report shall remain 814
confidential or exempt from public disclosure under section 149.43 815
of the Revised Code while in the possession of the court of claims 816
or the attorney general. 817

(b) Notwithstanding division (A)(2)(a) of this section, a 818
judge of the court of claims, a ~~panel of commissioners~~ magistrate, 819
a claimant, a claimant's attorney, or the attorney general may 820
disclose or refer to records or reports described in that division 821
in any hearing conducted under sections 2743.51 to 2743.72 of the 822
Revised Code or in the judge's, ~~panel of commissioners'~~ 823
magistrate's, claimant's, or attorney general's written pleadings, 824
findings, recommendations, and decisions. 825

(B) If the mental, physical, or emotional condition of a 826
victim or claimant is material to a claim for an award of 827
reparations, the attorney general, ~~a panel of commissioners,~~ or a 828
~~judge of~~ the court of claims may order the victim or claimant to 829
submit to a mental or physical examination and may order an 830
autopsy of a deceased victim. The order may be made for good cause 831
shown and upon notice to the person to be examined and to the 832

claimant. The order shall specify the time, place, manner, 833
conditions, and scope of the examination or autopsy and the person 834
by whom it is to be made. In the case of a mental examination, the 835
person specified may be a physician or psychologist. In the case 836
of a physical examination, the person specified may be a 837
physician, a physician assistant, a clinical nurse specialist, a 838
certified nurse practitioner, or a certified nurse-midwife. In the 839
case of an autopsy, the person specified must be a physician. The 840
order shall require the person who performs the examination or 841
autopsy to file with the attorney general a detailed written 842
report of the examination or autopsy. The report shall set out the 843
findings, including the results of all tests made, diagnoses, 844
prognoses, and other conclusions and reports of earlier 845
examinations of the same conditions. 846

(C) On request of the person examined, the attorney general 847
shall furnish the person a copy of the report. If the victim is 848
deceased, the attorney general, on request, shall furnish the 849
claimant a copy of the report. 850

(D) The attorney general, ~~a panel of commissioners,~~ or a 851
~~judge of~~ the court of claims may require the claimant to 852
supplement the application for an award of reparations with any 853
reasonably available medical or psychological reports relating to 854
the injury for which the award of reparations is claimed. 855

(E) The attorney general, ~~a panel of commissioners,~~ or a 856
~~judge of~~ the court of claims, in a claim arising out of a 857
violation of any provision of sections 2907.02 to 2907.07 of the 858
Revised Code, shall not request the victim or the claimant to 859
supply, or permit any person to supply, any evidence of specific 860
instances of the victim's sexual activity, opinion evidence of the 861
victim's sexual activity, or reputation evidence of the victim's 862
sexual activity unless it involves evidence of the origin of 863
semen, pregnancy, or disease or evidence of the victim's past 864

sexual activity with the offender and only to the extent that the 865
judge, ~~the panel court of commissioners,~~ claims or the attorney 866
general finds that the evidence is relevant to a fact at issue in 867
the claim. 868

Sec. 2743.63. If a person refuses to comply with an order 869
under sections 2743.51 to 2743.72 of the Revised Code, or asserts 870
a privilege, except privileges arising from the attorney-client 871
relationship, to withhold or suppress evidence relevant to a claim 872
for an award of reparations, the attorney general may make any 873
just decision including denial of the claim but shall not find the 874
person in contempt. If necessary to carry out any of the attorney 875
general's powers and duties, the attorney general may petition a 876
the court of claims ~~panel of commissioners~~ for an appropriate 877
order, including but not limited to a finding of contempt, but a 878
~~panel of commissioners~~ the court shall not find a person in 879
contempt for refusal to submit to a mental or physical 880
examination. 881

Sec. 2743.64. The attorney general, ~~a court of claims panel~~ 882
~~of commissioners,~~ or ~~a judge of~~ the court of claims may make an 883
award of reparations whether or not any person is prosecuted or 884
convicted for committing the conduct that is the basis of the 885
award. Proof of conviction of a person whose conduct gave rise to 886
a claim is conclusive evidence that the crime was committed, 887
unless an application for rehearing, an appeal of the conviction, 888
or certiorari is pending, or a rehearing or new trial has been 889
ordered. 890

If the prosecuting attorney of the county in which the 891
criminally injurious conduct allegedly occurred requests the 892
suspension of proceedings in any claim for an award of reparations 893
and if the request is made because of the commencement of a 894
criminal prosecution, the attorney general may suspend, because a 895

criminal prosecution has been commenced or is imminent, the 896
proceedings in any claim for an award of reparations for a 897
definite period of time, and may make an emergency award under 898
section 2743.67 of the Revised Code. 899

Sec. 2743.65. (A) The attorney general shall determine, and 900
the state shall pay, in accordance with this section attorney's 901
fees, commensurate with services rendered, to the attorney 902
representing a claimant under sections 2743.51 to 2743.72 of the 903
Revised Code. The attorney shall submit on an application form an 904
itemized fee bill at the rate of sixty dollars per hour upon 905
receipt of the final decision on the claim. Attorney's fees paid 906
pursuant to this section are subject to the following maximum 907
amounts: 908

(1) A maximum of seven hundred twenty dollars for claims 909
resolved without the filing of an appeal to the ~~panel court~~ of 910
~~commissioners claims~~; 911

(2) A maximum of one thousand twenty dollars for claims in 912
which an appeal to the ~~panel court~~ of ~~commissioners claims~~ is 913
filed plus, at the request of an attorney whose main office is not 914
in Franklin county, Delaware county, Licking county, Fairfield 915
county, Pickaway county, Madison county, or Union county, an 916
amount for the attorney's travel time to attend the oral hearing 917
before the ~~panel court~~ of ~~commissioners claims~~ at the rate of 918
thirty dollars per hour; 919

(3) A maximum of one thousand three hundred twenty dollars 920
for claims in which an appeal to a ~~judge~~ of the court of claims is 921
filed plus, at the request of an attorney whose main office is not 922
in Franklin county, Delaware county, Licking county, Fairfield 923
county, Pickaway county, Madison county, or Union county, an 924
amount for the attorney's travel time to attend the oral hearing 925
before the ~~judge court~~ at the rate of thirty dollars per hour; 926

(4) A maximum of seven hundred twenty dollars for a supplemental reparations application; 927
928

(5) A maximum of two hundred dollars if the claim is denied on the basis of a claimant's or victim's conviction of a felony offense prior to the filing of the claim. If the claimant or victim is convicted of a felony offense during the pendency of the claim, the two hundred dollars maximum does not apply. If the attorney had knowledge of the claimant's or victim's felony conviction prior to the filing of the application for the claim, the attorney general may determine that the filing of the claim was frivolous and may deny attorney's fees. 929
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(B) The attorney general may determine that an attorney be reimbursed for fees incurred in the creation of a guardianship if the guardianship is required in order for an individual to receive an award of reparations, and those fees shall be reimbursed at a rate of sixty dollars per hour. 938
939
940
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(C)(1) The attorney general shall forward an application form for attorney's fees to a claimant's attorney before or when the final decision on a claim is rendered. The application form for attorney's fees shall do all of the following: 943
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(a) Inform the attorney of the requirements of this section; 947

(b) Require a verification statement comporting with the law prohibiting falsification; 948
949

(c) Require an itemized fee statement; 950

(d) Require a verification statement that the claimant was served a copy of the completed application form; 951
952

(e) Include notice that the claimant may oppose the application by notifying the attorney general in writing within ten days. 953
954
955

(2) The attorney general shall forward a copy of this section 956

to the attorney with the application form for attorney's fees. The 957
attorney shall file the application form with the attorney 958
general. The attorney general's decision with respect to an award 959
of attorney's fees is final ten days after the attorney general 960
renders the decision and mails a copy of the decision to the 961
attorney at the address provided by the attorney. The attorney may 962
request reconsideration of the decision on grounds that it is 963
insufficient or calculated incorrectly. The attorney general's 964
decision on the request for reconsideration is final. 965

(D) The attorney general shall review all application forms 966
for attorney's fees that are submitted by a claimant's attorney 967
and shall issue an order approving the amount of fees to be paid 968
to the attorney within sixty days after receipt of the application 969
form. 970

(E) No attorney's fees shall be paid for the following: 971

(1) Estate work or representation of a claimant against a 972
collateral source; 973

(2) Duplication of investigative work required to be 974
performed by the attorney general; 975

(3) Performance of unnecessary criminal investigation of the 976
offense; 977

(4) Presenting or appealing an issue that has been repeatedly 978
ruled upon by the highest appellate authority, unless a unique set 979
of facts or unique issue of law exists that distinguishes it; 980

(5) A fee request that is unreasonable, is not commensurate 981
with services rendered, violates the Ohio code of professional 982
responsibility, or is based upon services that are determined to 983
be frivolous. 984

(F)(1) The attorney general may reduce or deny the payment of 985
attorney's fees to an attorney who has filed a frivolous claim. 986

Subject to division (A)(5) of this section, the denial of a claim 987
on the basis of a felony conviction, felony conduct, or 988
contributory misconduct does not constitute a frivolous claim. 989

(2) As used in this section, "frivolous claim" means a claim 990
in which there is clearly no legal grounds under the existing laws 991
of this state to support the filing of a claim on behalf of the 992
claimant or victim. 993

(G) The attorney general may determine that a lesser number 994
of hours should have been required in a given case. Additional 995
reimbursement may be made where the attorney demonstrates to the 996
attorney general that the nature of the particular claim required 997
the expenditure of an amount in excess of that allowed. 998

(H) No attorney shall receive payment under this section for 999
assisting a claimant with an application for an award of 1000
reparations under sections 2743.51 to 2743.72 of the Revised Code 1001
if that attorney's fees have been allowed as an expense in 1002
accordance with division (F)(4) of section 2743.51 of the Revised 1003
Code. 1004

(I) A contract or other agreement between an attorney and any 1005
person that provides for the payment of attorney's fees or other 1006
payments in excess of the attorney's fees allowed under this 1007
section for representing a claimant under sections 2743.51 to 1008
2743.72 of the Revised Code shall be void and unenforceable. 1009

(J) Each witness who appears in a hearing on a claim for an 1010
award of reparations shall receive compensation in an amount equal 1011
to that received by witnesses under section 119.094 of the Revised 1012
Code. 1013

Sec. 2743.66. (A) A decision of the attorney general, or 1014
~~order of a court of claims panel of commissioners,~~ or judgment of 1015
~~a judge~~ of the court of claims granting an award of reparations 1016

may provide for the payment of the award in a lump sum or in 1017
installments. The part of an award equal to the amount of economic 1018
loss accrued to the date of the award shall be paid in a lump sum. 1019
An award for allowable expense that would accrue after the award 1020
is made shall not be paid in a lump sum. Except as provided in 1021
division (B) of this section, the part of an award not paid in a 1022
lump sum shall be paid in installments. 1023

(B) Upon the motion of the claimant, the attorney general may 1024
commute future economic loss, other than allowable expense, to a 1025
lump sum but only upon a finding that either of the following 1026
applies: 1027

(1) The award in a lump sum will promote the interests of the 1028
claimant. 1029

(2) The present value of all future economic loss, other than 1030
allowable expense, does not exceed one thousand dollars. 1031

(C) The attorney general may make an award for future 1032
economic loss payable in installments only for a period as to 1033
which future economic loss reasonably can be determined. An award 1034
for future economic loss payable in installments may be 1035
reconsidered and modified upon a finding that a material and 1036
substantial change of circumstances has occurred. 1037

(D) An award is not subject to execution, attachment, 1038
garnishment, or other process, except that, upon receipt of an 1039
award by a claimant: 1040

(1) The part of the award that is for allowable expense or 1041
funeral expense is not exempt from such action by a creditor to 1042
the extent that the creditor provided products, services, or 1043
accommodations the costs of which are included in the award. 1044

(2) The part of the award that is for work loss shall not be 1045
exempt from such action to secure payment of spousal support, 1046
other maintenance, or child support. 1047

(3) The attorney general may recover the award pursuant to 1048
section 2743.72 of the Revised Code if it is discovered that the 1049
claimant actually was not eligible for the award or that the award 1050
otherwise should not have been made under the standards and 1051
criteria set forth in sections 2743.51 to 2743.72 of the Revised 1052
Code. 1053

(4) If the claimant receives compensation from any other 1054
person or entity, including a collateral source, for an expense 1055
that is included within the award, the attorney general may 1056
recover pursuant to section 2743.72 of the Revised Code the part 1057
of the award that represents the expense for which the claimant 1058
received the compensation from the other person or entity. 1059

(E) If a person entitled to an award of reparations is under 1060
eighteen years of age and if the amount of the award exceeds one 1061
thousand dollars, the order providing for the payment of the award 1062
shall specify that the award be paid either to the guardian of the 1063
estate of the minor appointed pursuant to Chapter 2111. of the 1064
Revised Code or to the person or depository designated by the 1065
probate court under section 2111.05 of the Revised Code. If a 1066
person entitled to an award of reparations is under eighteen years 1067
of age and if the amount of the award is one thousand dollars or 1068
less, the order providing for the payment of the award may specify 1069
that the award be paid to an adult member of the family of the 1070
minor who is legally responsible for the minor's care or to any 1071
other person designated by the attorney general or ~~panel of~~ 1072
~~commissioners issuing the decision or order~~ court of claims. 1073

Sec. 2743.67. The attorney general may make an emergency 1074
award if, before acting on an application for an award of 1075
reparations under this section, it appears likely that a final 1076
award will be made, and the claimant or victim will suffer undue 1077
hardship if immediate economic relief is not obtained. An 1078

emergency award shall not exceed two thousand dollars. The 1079
attorney general or the court of claims ~~panel of commissioners~~ 1080
shall deduct an amount of the emergency award from the final 1081
award, or the claimant or victim shall repay the amount of the 1082
emergency award that exceeds the final award made to the claimant. 1083
If no final award is made, the claimant or victim shall repay the 1084
entire emergency award. 1085

Sec. 2743.68. A claimant may file a supplemental reparations 1086
application in a claim if the attorney general, ~~a court of claims~~ 1087
~~panel of commissioners~~, or ~~judge of~~ the court of claims, within 1088
five years prior to the filing of the supplemental application, 1089
has made any of the following determinations: 1090

(A) That an award, supplemental award, or installment award 1091
be granted; 1092

(B) That an award, supplemental award, or installment award 1093
be conditioned or denied because of actual or potential recovery 1094
from a collateral source; 1095

(C) That an award, supplemental award, or installment award 1096
be denied because the claimant had not incurred any economic loss 1097
at that time. 1098

Sec. 2743.69. (A) The attorney general shall prepare and 1099
transmit annually to the governor, the president of the senate, 1100
the speaker of the house of representatives, and the minority 1101
leaders of both houses a report of the activities of the Ohio 1102
crime victims compensation program under sections 2743.51 to 1103
2743.72 of the Revised Code. The report shall include all of the 1104
following: 1105

(1) The number of claims filed, the number of awards made and 1106
the amount of each award, and a statistical summary of awards made 1107
and denied, including the average size of awards; 1108

(2) The balance in the reparations fund, with a listing by 1109
source and amount of the moneys that have been deposited in the 1110
fund; 1111

(3) The amount that has been withdrawn from the fund, 1112
including separate listings of the administrative costs incurred 1113
by the attorney general and ~~a the court of claims panel of~~ 1114
~~commissioners, compensation of judges and court personnel,~~ the 1115
amount awarded as attorney's fees, and the amount of payments made 1116
pursuant to divisions (A)(1)(k) and (l) of section 2743.191 of the 1117
Revised Code. 1118

(B) The director of budget and management shall assist the 1119
attorney general in the preparation of the report required by this 1120
section. 1121

Sec. 2743.71. (A) Any law enforcement agency that 1122
investigates, and any prosecuting attorney, city director of law, 1123
village solicitor, or similar prosecuting authority who 1124
prosecutes, an offense committed in this state shall, upon first 1125
contact with the victim or the victim's family or dependents, give 1126
the victim or the victim's family or dependents a copy of an 1127
information card or other printed material provided by the 1128
attorney general pursuant to division (B) of this section and 1129
explain, upon request, the information on the card or material to 1130
the victim or the victim's family or dependents. 1131

(B) The attorney general shall have printed, and shall 1132
provide to law enforcement agencies, prosecuting attorneys, city 1133
directors of law, village solicitors, and similar prosecuting 1134
authorities, cards or other materials that contain information 1135
explaining awards of reparations. The information on the cards or 1136
other materials shall include, but shall not be limited to, the 1137
following statements: 1138

(1) Awards of reparations are limited to losses that are 1139

caused by physical injury resulting from criminally injurious 1140
conduct; 1141

(2) Reparations applications are required to be filed ~~within~~ 1142
~~two years after the date of the criminally injurious conduct if~~ 1143
~~the victim was an adult, or~~ within the period provided by division 1144
(~~C~~)(B)(1) of section 2743.56 of the Revised Code if the victim of 1145
the criminally injurious conduct was a minor; 1146

(3) An attorney who represents an applicant for an award of 1147
reparations cannot charge the applicant for the services rendered 1148
in relation to that representation but is required to apply to the 1149
attorney general for payment for the representation; 1150

(4) Applications for awards of reparations may be obtained 1151
from the attorney general, law enforcement agencies, and victim 1152
assistance agencies and are to be filed with the attorney general. 1153

(C) The attorney general may order that a reasonable amount 1154
of money be paid out of the reparations fund, subject to the 1155
limitation imposed by division (D) of this section, for use by the 1156
attorney general to publicize the availability of awards of 1157
reparations. 1158

(D) During any fiscal year, the total expenditure for the 1159
printing and providing of information cards or other materials 1160
pursuant to division (B) of this section and for the publicizing 1161
of the availability of awards of reparations pursuant to division 1162
(C) of this section shall not exceed two per cent of the total of 1163
all court costs deposited, in accordance with section 2743.70 of 1164
the Revised Code, in the reparations fund during the immediately 1165
preceding fiscal year. 1166

Section 2. That existing sections 2701.03, 2701.031, 2743.03, 1167
2743.04, 2743.09, 2743.121, 2743.20, 2743.52, 2743.53, 2743.531, 1168
2743.55, 2743.60, 2743.601, 2743.61, 2743.62, 2743.63, 2743.64, 1169
2743.65, 2743.66, 2743.67, 2743.68, 2743.69, and 2743.71 and 1170

section 2743.54 of the Revised Code are hereby repealed.

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