

As Reported by the Senate Civil Justice Committee

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Representatives Blessing, Landis

**Cosponsors: Representatives Adams, J., Becker, Butler, Grossman, Hackett,
Scherer, Sprague, Young, Conditt, DeVitis, Adams, R., Amstutz, Anielski,
Baker, Beck, Brenner, Brown, Buchy, Burkley, Damschroder, Green, Hall,
Johnson, McClain, Milkovich, Perales, Ruhl, Terhar, Wachtmann**

Speaker Batchelder

Senator Coley

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A B I L L

To amend section 2901.12 and to enact sections 1
1901.028, 1907.04, 2301.04, 2305.2310, and 2501.20 2
of the Revised Code to provide civil immunity for 3
architects, contractors, engineers, surveyors, and 4
tradespersons providing volunteer services during 5
a declared emergency and to provide for the 6
continued orderly operation of the courts in case 7
of a disaster, civil disorder, or other 8
extraordinary circumstance. 9

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

Section 1. That section 2901.12 be amended and sections 10
1901.028, 1907.04, 2301.04, 2305.2310, and 2501.20 of the Revised 11
Code be enacted to read as follows: 12

Sec. 1901.028. (A) In the event of a natural or man-made 13
disaster, civil disorder, or any extraordinary circumstance that 14

interrupts or threatens to interrupt the orderly operation of a 15
municipal court within the territorial jurisdiction of the court, 16
the administrative judge of the court may issue an order 17
authorizing the court to operate at a temporary location inside or 18
outside the territorial jurisdiction of the court. The order shall 19
identify the temporary location at which the court shall operate 20
and the date on which operations shall commence at the temporary 21
location. The court shall operate at the temporary location until 22
the administrative judge withdraws, cancels, or rescinds the 23
order. 24

(B) The authority of an administrative judge of a municipal 25
court to issue an order authorizing the court to operate at a 26
temporary location pursuant to division (A) of this section is 27
independent of and shall not be conditioned upon a declaration of 28
a judicial emergency issued by the chief justice of the supreme 29
court pursuant to Rule 14 of the Rules of Superintendence for the 30
Courts of Ohio. 31

(C) For the period during which a municipal court operates in 32
a temporary location pursuant to division (A) of this section, the 33
court shall continue to have the territorial jurisdiction set 34
forth in section 1901.02 of the Revised Code and the court shall 35
have jurisdiction to hear actions and conduct proceedings the same 36
as if the court were operating within that territorial 37
jurisdiction. 38

(D) As soon as practicable following issuance of an order 39
pursuant to division (A) of this section, both of the following 40
shall occur: 41

(1) The administrative judge of the municipal court shall 42
provide notice and a copy of the order by regular or electronic 43
mail to all of the following: 44

(a) The chief justice and administrative director of the 45

supreme court; 46

(b) The legislative authorities of the local funding 47
authorities of the court; 48

(c) All appropriate law enforcement agencies, prosecuting 49
authorities, public defender agencies, and local bar associations 50
within the territorial jurisdiction of the court. 51

(2) If the court operates and maintains a web site, the web 52
site shall provide notification of the operation of the court at 53
the temporary location, including the site of the temporary 54
location and the date on which operations shall commence at the 55
temporary location. 56

(E) As soon as practicable following the withdrawal, 57
cancellation, or rescission of an order issued pursuant to 58
division (A) of this section, each of the following shall occur: 59

(1) The administrative judge of the municipal court shall 60
provide notice by regular or electronic mail to all of the 61
following: 62

(a) The chief justice and administrative director of the 63
supreme court; 64

(b) The legislative authorities of the local funding 65
authorities of the court; 66

(c) All appropriate law enforcement agencies, prosecuting 67
authorities, public defender agencies, and local bar associations 68
within the territorial jurisdiction of the court. 69

(2) If the court operates and maintains a web site, the web 70
site shall provide notification of the operation of the court at 71
the permanent location of the court, including the site of the 72
permanent location and the date on which operations shall commence 73
at the permanent location. 74

Sec. 1907.04. (A) In the event of a natural or man-made 75
disaster, civil disorder, or any extraordinary circumstance that 76
interrupts or threatens to interrupt the orderly operation of a 77
county court within the territorial jurisdiction of the court, the 78
administrative judge of the court may issue an order authorizing 79
the court to operate at a temporary location inside or outside the 80
territorial jurisdiction of the court. The order shall identify 81
the temporary location at which the court shall operate and the 82
date on which operations shall commence at the temporary location. 83
The court shall operate at the temporary location until the 84
administrative judge withdraws, cancels, or rescinds the order. 85

(B) The authority of an administrative judge of a county 86
court to issue an order authorizing the court to operate at a 87
temporary location pursuant to division (A) of this section is 88
independent of and shall not be conditioned upon a declaration of 89
a judicial emergency issued by the chief justice of the supreme 90
court pursuant to Rule 14 of the Rules of Superintendence for the 91
Courts of Ohio. 92

(C) For the period during which a county court operates in a 93
temporary location pursuant to division (A) of this section, the 94
court shall continue to have the territorial jurisdiction set 95
forth in section 1907.01 of the Revised Code and the court shall 96
have jurisdiction to hear actions and conduct proceedings the same 97
as if the court were operating within that territorial 98
jurisdiction. 99

(D) As soon as practicable following issuance of an order 100
pursuant to division (A) of this section, both of the following 101
shall occur: 102

(1) The administrative judge of the county court shall 103
provide notice and a copy of the order by regular or electronic 104
mail to all of the following: 105

<u>(a) The chief justice and administrative director of the supreme court;</u>	106
	107
<u>(b) The legislative authorities of the local funding authorities of the court;</u>	108
	109
<u>(c) All appropriate law enforcement agencies, prosecuting authorities, public defender agencies, and local bar associations within the territorial jurisdiction of the court.</u>	110
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<u>(2) If the court operates and maintains a web site, the web site shall provide notification of the operation of the court at the temporary location, including the site of the temporary location and the date on which operations shall commence at the temporary location.</u>	113
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<u>(E) As soon as practicable following the withdrawal, cancellation, or rescission of an order issued pursuant to division (A) of this section, each of the following shall occur:</u>	118
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<u>(1) The administrative judge of the county court shall provide notice by regular or electronic mail to all of the following:</u>	121
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<u>(a) The chief justice and administrative director of the supreme court;</u>	124
	125
<u>(b) The legislative authorities of the local funding authorities of the court;</u>	126
	127
<u>(c) All appropriate law enforcement agencies, prosecuting authorities, public defender agencies, and local bar associations within the territorial jurisdiction of the court.</u>	128
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	130
<u>(2) If the court operates and maintains a web site, the web site shall provide notification of the operation of the court at the permanent location of the court, including the site of the permanent location and the date on which operations shall commence at the permanent location.</u>	131
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Sec. 2301.04. (A) In the event of a natural or man-made 136
disaster, civil disorder, or any extraordinary circumstance that 137
interrupts or threatens to interrupt the orderly operation of a 138
division of a court of common pleas within the territorial 139
jurisdiction of the division, the administrative judge of the 140
division may issue an order authorizing the division to operate at 141
a temporary location inside or outside the territorial 142
jurisdiction of the division. The order shall identify the 143
temporary location at which the division shall operate and the 144
date on which operations shall commence at the temporary location. 145
The division shall operate at the temporary location until the 146
administrative judge withdraws, cancels, or rescinds the order. 147

(B) The authority of an administrative judge of a division of 148
a court of common pleas to issue an order authorizing the division 149
to operate at a temporary location pursuant to division (A) of 150
this section is independent of and shall not be conditioned upon a 151
declaration of a judicial emergency issued by the chief justice of 152
the supreme court pursuant to Rule 14 of the Rules of 153
Superintendence for the Courts of Ohio. 154

(C) For the period during which a division of a court of 155
common pleas operates in a temporary location pursuant to division 156
(A) of this section, the division shall continue to have the 157
territorial jurisdiction set forth in section 2301.01 of the 158
Revised Code and the court shall have jurisdiction to hear actions 159
and conduct proceedings the same as if the division were operating 160
within that territorial jurisdiction. 161

(D) As soon as practicable following issuance of an order 162
pursuant to division (A) of this section, both of the following 163
shall occur: 164

(1) The administrative judge of the division of the court of 165
common pleas shall provide notice and a copy of the order by 166

<u>regular or electronic mail to all of the following:</u>	167
<u>(a) The chief justice and administrative director of the supreme court;</u>	168
<u>(b) The legislative authorities of the local funding authorities of the court;</u>	169
<u>(c) All appropriate law enforcement agencies, prosecuting authorities, public defender agencies, and local bar associations within the territorial jurisdiction of the court.</u>	170
<u>(2) If the division operates and maintains a web site, the web site shall provide notification of the operation of the division at the temporary location, including the site of the temporary location and the date on which operations shall commence at the temporary location.</u>	171
<u>(E) As soon as practicable following the withdrawal, cancellation, or rescission of an order issued pursuant to division (A) of this section, each of the following shall occur:</u>	172
<u>(1) The administrative judge of the division of the court of common pleas shall provide notice by regular or electronic mail to all of the following:</u>	173
<u>(a) The chief justice and administrative director of the supreme court;</u>	174
<u>(b) The legislative authorities of the local funding authorities of the court;</u>	175
<u>(c) All appropriate law enforcement agencies, prosecuting authorities, public defender agencies, and local bar associations within the territorial jurisdiction of the court.</u>	176
<u>(2) If the division operates and maintains a web site, the web site shall provide notification of the operation of the division at the permanent location of the division, including the site of the permanent location and the date on which operations</u>	177

shall commence at the permanent location. 197

Sec. 2305.2310. (A) A volunteer who is an architect, 198
contractor, engineer, surveyor, or tradesperson shall not be 199
liable in damages in a civil action for any injury, loss to person 200
or property, or wrongful death related to the volunteer's acts, 201
errors, or omissions in the performance of any professional 202
services or construction services for any structure, building, 203
pipng, or other engineered system, either publicly or privately 204
owned. 205

(B)(1) The immunity provided in this section shall only apply 206
to professional services or construction services provided during 207
a declared emergency and to professional services or construction 208
services provided not more than ninety days after the end of the 209
period of the declared emergency. 210

(2) If the governor, under the governor's emergency executive 211
powers, extends the period of declared emergency, the immunity 212
provided under this section shall apply to services provided not 213
more than ninety days after the end of the extended period of 214
emergency. 215

(C) Nothing in this section shall provide immunity for 216
wanton, willful, or intentional misconduct. 217

(D) As used in this section: 218

(1) "Architect" means an individual who is certified as an 219
architect under Chapter 4703. of the Revised Code. 220

(2) "Building inspection official" means any appointed or 221
elected federal, state, or local official with overall executive 222
responsibility for coordinating building inspections in the 223
jurisdiction in which a declared emergency has occurred. 224

(3) "Construction services" includes any construction, 225
improvement, renovation, repair, or maintenance performed by a 226

contractor or tradesperson. "Construction services" does not 227
include services provided by an individual who is not qualified to 228
provide such services. 229

(4) "Contractor" has the same meaning as section 4740.01 of 230
the Revised Code. 231

(5) "Engineer" means an individual registered as a 232
professional engineer under Chapter 4733. of the Revised Code. 233

(6) "Law enforcement official" means an appointed or elected 234
federal, state, or local official responsible for coordinating law 235
enforcement in the jurisdiction in which a declared emergency has 236
occurred. 237

(7) "Professional services" means architectural, engineering, 238
or surveying services provided by an architect, engineer, or 239
surveyor, respectively. "Professional services" does not include 240
services provided by an individual who is not qualified to provide 241
such services. 242

(8) "Public official" means any elected federal, state, or 243
local official with overall executive responsibility in the 244
jurisdiction in which a declared emergency has occurred. 245

(9) "Public safety official" means any appointed or elected 246
official with overall executive responsibility to coordinate 247
public safety in the jurisdiction in which a declared emergency 248
has occurred. 249

(10) "Surveyor" means an individual who is registered as a 250
professional surveyor under Chapter 4733. of the Revised Code. 251

(11) "Tradesperson" has the same meaning as in section 252
4740.01 of the Revised Code. 253

(12) "Volunteer" means an individual who, at the request of, 254
or with the approval of, a national, state, or local public 255
official, law enforcement official, public safety official, or 256

building inspection official acting in an official capacity, 257
voluntarily, without compensation, provides professional services 258
or construction services without a written contract in relation to 259
a declared national, state, or local emergency caused by a major 260
earthquake, hurricane, tornado, fire, explosion, collapse, or 261
other catastrophic event. 262

Sec. 2501.20. (A) In the event of a natural or man-made 263
disaster, civil disorder, or any extraordinary circumstance that 264
interrupts or threatens to interrupt the orderly operation of a 265
court of appeals within the territorial jurisdiction of the court, 266
the administrative judge of the court may issue an order 267
authorizing the court to operate at a temporary location inside or 268
outside the territorial jurisdiction of the court. The order shall 269
identify the temporary location at which the court shall operate 270
and the date on which operations shall commence at the temporary 271
location. The court shall operate at the temporary location until 272
the administrative judge withdraws, cancels, or rescinds the 273
order. 274

(B) The authority of an administrative judge of a court of 275
appeals to issue an order authorizing the court to operate at a 276
temporary location pursuant to division (A) of this section is 277
independent of and shall not be conditioned upon a declaration of 278
a judicial emergency issued by the chief justice of the supreme 279
court pursuant to Rule 14 of the Rules of Superintendence for the 280
Courts of Ohio. 281

(C) For the period during which a court of appeals operates 282
in a temporary location pursuant to division (A) of this section, 283
the court shall continue to have the territorial jurisdiction set 284
forth in section 2501.01 of the Revised Code and the court shall 285
have jurisdiction to hear actions and conduct proceedings the same 286
as if the court were operating within that territorial 287

<u>jurisdiction.</u>	288
<u>(D) As soon as practicable following issuance of an order pursuant to division (A) of this section, both of the following shall occur:</u>	289 290 291
<u>(1) The administrative judge of the court of appeals shall provide notice and a copy of the order by regular or electronic mail to all of the following:</u>	292 293 294
<u>(a) The chief justice and administrative director of the supreme court;</u>	295 296
<u>(b) The legislative authorities of the local funding authorities of the court;</u>	297 298
<u>(c) All appropriate law enforcement agencies, prosecuting authorities, public defender agencies, and local bar associations within the territorial jurisdiction of the court.</u>	299 300 301
<u>(2) If the court operates and maintains a web site, the web site shall provide notification of the operation of the court at the temporary location, including the site of the temporary location and the date on which operations shall commence at the temporary location.</u>	302 303 304 305 306
<u>(E) As soon as practicable following the withdrawal, cancellation, or rescission of an order issued pursuant to division (A) of this section, each of the following shall occur:</u>	307 308 309
<u>(1) The administrative judge of the court of appeals shall provide notice by regular or electronic mail to all of the following:</u>	310 311 312
<u>(a) The chief justice and administrative director of the supreme court;</u>	313 314
<u>(b) The legislative authorities of the local funding authorities of the court;</u>	315 316
<u>(c) All appropriate law enforcement agencies, prosecuting</u>	317

authorities, public defender agencies, and local bar associations 318
within the territorial jurisdiction of the court. 319

(2) If the court operates and maintains a web site, the web 320
site shall provide notification of the operation of the court at 321
the permanent location of the court, including the site of the 322
permanent location and the date on which operations shall commence 323
at the permanent location. 324

Sec. 2901.12. (A) The trial of a criminal case in this state 325
shall be held in a court having jurisdiction of the subject 326
matter, and, except in cases of emergency under section 1901.028, 327
1907.04, 2301.04, or 2501.20 of the Revised Code, in the territory 328
of which the offense or any element of the offense was committed. 329

(B) When the offense or any element of the offense was 330
committed in an aircraft, motor vehicle, train, watercraft, or 331
other vehicle, in transit, and it cannot reasonably be determined 332
in which jurisdiction the offense was committed, the offender may 333
be tried in any jurisdiction through which the aircraft, motor 334
vehicle, train, watercraft, or other vehicle passed. 335

(C) When the offense involved the unlawful taking or 336
receiving of property or the unlawful taking or enticing of 337
another, the offender may be tried in any jurisdiction from which 338
or into which the property or victim was taken, received, or 339
enticed. 340

(D) When the offense is conspiracy, attempt, or complicity 341
cognizable under division (A)(2) of section 2901.11 of the Revised 342
Code, the offender may be tried in any jurisdiction in which the 343
conspiracy, attempt, complicity, or any of its elements occurred. 344
If an offense resulted outside this state from the conspiracy, 345
attempt, or complicity, that resulting offense also may be tried 346
in any jurisdiction in which the conspiracy, attempt, complicity, 347
or any of the elements of the conspiracy, attempt, or complicity 348

occurred. 349

(E) When the offense is conspiracy or attempt cognizable 350
under division (A)(3) of section 2901.11 of the Revised Code, the 351
offender may be tried in any jurisdiction in which the offense 352
that was the object of the conspiracy or attempt, or any element 353
of that offense, was intended to or could have taken place. When 354
the offense is complicity cognizable under division (A)(3) of 355
section 2901.11 of the Revised Code, the offender may be tried in 356
any jurisdiction in which the principal offender may be tried. 357

(F) When an offense is considered to have been committed in 358
this state while the offender was out of this state, and the 359
jurisdiction in this state in which the offense or any material 360
element of the offense was committed is not reasonably 361
ascertainable, the offender may be tried in any jurisdiction in 362
which the offense or element reasonably could have been committed. 363

(G) When it appears beyond a reasonable doubt that an offense 364
or any element of an offense was committed in any of two or more 365
jurisdictions, but it cannot reasonably be determined in which 366
jurisdiction the offense or element was committed, the offender 367
may be tried in any of those jurisdictions. 368

(H) When an offender, as part of a course of criminal 369
conduct, commits offenses in different jurisdictions, the offender 370
may be tried for all of those offenses in any jurisdiction in 371
which one of those offenses or any element of one of those 372
offenses occurred. Without limitation on the evidence that may be 373
used to establish the course of criminal conduct, any of the 374
following is prima-facie evidence of a course of criminal conduct: 375

(1) The offenses involved the same victim, or victims of the 376
same type or from the same group. 377

(2) The offenses were committed by the offender in the 378
offender's same employment, or capacity, or relationship to 379

another.	380
(3) The offenses were committed as part of the same transaction or chain of events, or in furtherance of the same purpose or objective.	381 382 383
(4) The offenses were committed in furtherance of the same conspiracy.	384 385
(5) The offenses involved the same or a similar modus operandi.	386 387
(6) The offenses were committed along the offender's line of travel in this state, regardless of the offender's point of origin or destination.	388 389 390
(I)(1) When the offense involves a computer, computer system, computer network, telecommunication, telecommunications device, telecommunications service, or information service, the offender may be tried in any jurisdiction containing any location of the computer, computer system, or computer network of the victim of the offense, in any jurisdiction from which or into which, as part of the offense, any writing, data, or image is disseminated or transmitted by means of a computer, computer system, computer network, telecommunication, telecommunications device, telecommunications service, or information service, or in any jurisdiction in which the alleged offender commits any activity that is an essential part of the offense.	391 392 393 394 395 396 397 398 399 400 401 402
(2) As used in this section, "computer," "computer system," "computer network," "information service," "telecommunication," "telecommunications device," "telecommunications service," "data," and "writing" have the same meanings as in section 2913.01 of the Revised Code.	403 404 405 406 407
(J) When the offense involves the death of a person, and it cannot reasonably be determined in which jurisdiction the offense was committed, the offender may be tried in the jurisdiction in	408 409 410

which the dead person's body or any part of the dead person's body 411
was found. 412

(K) Notwithstanding any other requirement for the place of 413
trial, venue may be changed, upon motion of the prosecution, the 414
defense, or the court, to any court having jurisdiction of the 415
subject matter outside the county in which trial otherwise would 416
be held, when it appears that a fair and impartial trial cannot be 417
held in the jurisdiction in which trial otherwise would be held, 418
or when it appears that trial should be held in another 419
jurisdiction for the convenience of the parties and in the 420
interests of justice. 421

Section 2. That existing section 2901.12 of the Revised Code 422
is hereby repealed. 423