

As Passed by the Senate

**130th General Assembly
Regular Session
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S. B. No. 219

Senators Obhof, Seitz

Cosponsors: Senators Eklund, Jones, Coley, Oelslager

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A B I L L

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 pursuant to the court's random 154
assignment process, to a judge of another court, or to a retired 155
judge. 156

Sec. 2701.031. ~~(A)~~ If a judge of a municipal or county court 157
allegedly is interested in a proceeding pending before the judge, 158
allegedly is related to or has a bias or prejudice for or against 159
a party to a proceeding pending before the judge or to a party's 160
counsel, or allegedly otherwise is disqualified to preside in a 161
proceeding pending before the judge, any party to the proceeding 162
or the party's counsel may file an affidavit of disqualification 163
with the clerk of the supreme court in which the proceeding is 164
pending. The affidavit of disqualification shall be filed and 165
decided in accordance with divisions (B) to (E) of section 2701.03 166
of the Revised Code, and, upon the filing of the affidavit, the 167
provisions of those divisions apply to the affidavit, the 168
proceeding, the judge, and the parties to the proceeding. 169

~~(B) An affidavit of disqualification shall be filed under 170
this section with the clerk of the court in which the proceeding 171
is pending not less than seven calendar days before the day on 172
which the next hearing in the proceeding is scheduled and shall 173
include all of the following: 174~~

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

support each of those allegations;	177
(2) The jurat of a notary public or another person authorized 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;	180
(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.	184
(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:	185
(a) The presiding judge of the court of common pleas of the county;	186
(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.	187
(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.	188
(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	189
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~~filing under divisions (B) and (C) of this section, the affidavit 207
deprives the judge of a municipal or county court against whom the 208
affidavit was filed of any authority to preside in the proceeding 209
until the judge who was notified pursuant to division (C)(1) of 210
this section rules on the affidavit pursuant to division (E) of 211
this section. 212~~

~~(2) A judge of a municipal or county court against whom an 213
affidavit of disqualification has been filed under divisions (B) 214
and (C) of this section may preside in the proceeding if, based on 215
the scheduled hearing date, the affidavit was not timely filed. 216~~

~~(3) A judge of a municipal or county court against whom an 217
affidavit of disqualification has been filed under divisions (B) 218
and (C) of this section may determine a matter that does not 219
affect a substantive right of any of the parties. 220~~

~~(4) If the clerk of a municipal or county court accepts an 221
affidavit of disqualification for filing under divisions (B) and 222
(C) of this section, if the judge who is notified pursuant to 223
division (C)(1) of this section of the filing of the affidavit of 224
disqualification denies the affidavit pursuant to division (E) of 225
this section, and if, after the denial, a second or subsequent 226
affidavit of disqualification regarding the same judge and the 227
same proceeding is filed by the same party who filed or on whose 228
behalf was filed the affidavit that was denied or by counsel for 229
the same party who filed or on whose behalf was filed the 230
affidavit that was denied, the judge of a municipal or county 231
court against whom the second or subsequent affidavit is filed may 232
preside in the proceeding prior to the ruling, by the judge who is 233
notified pursuant to division (C)(1) of this section, on the 234
second or subsequent affidavit pursuant to division (E) of this 235
section. 236~~

~~(E) If the clerk of a municipal or county court accepts an 237
affidavit of disqualification for filing under divisions (B) and 238~~

~~(C) of this section and if the judge who is notified pursuant to 239
division (C)(1) of this section of the filing of the affidavit 240
determines that the interest, bias, prejudice, or disqualification 241
alleged in the affidavit does not exist, the judge who is so 242
notified shall issue an entry denying the affidavit of 243
disqualification. If the judge who is notified pursuant to 244
division (C)(1) of this section of the filing of the affidavit 245
determines that the interest, bias, prejudice, or disqualification 246
alleged in the affidavit exists, the judge who is so notified 247
shall issue an entry that disqualifies the judge against whom the 248
affidavit was filed from presiding in the proceeding and designate 249
another judge of the municipal or county court, or of the court of 250
common pleas, to preside in the proceeding in place of the 251
disqualified judge. 252~~

Sec. 2743.03. (A)(1) There is hereby created a court of 253
claims. The court of claims is a court of record and has 254
exclusive, original jurisdiction of all civil actions against the 255
state permitted by the waiver of immunity contained in section 256
2743.02 of the Revised Code, and exclusive jurisdiction of the 257
causes of action of all parties in civil actions that are removed 258
to the court of claims, ~~and jurisdiction to hear appeals from the 259
decisions of the court of claims commissioners.~~ The court shall 260
have full equity powers in all actions within its jurisdiction and 261
may entertain and determine all counterclaims, cross-claims, and 262
third-party claims. 263

(2) If the claimant in a civil action as described in 264
division (A)(1) of this section also files a claim for a 265
declaratory judgment, injunctive relief, or other equitable relief 266
against the state that arises out of the same circumstances that 267
gave rise to the civil action described in division (A)(1) of this 268
section, the court of claims has exclusive, original jurisdiction 269
to hear and determine that claim in that civil action. This 270

division does not affect, and shall not be construed as affecting, 271
the original jurisdiction of another court of this state to hear 272
and determine a civil action in which the sole relief that the 273
claimant seeks against the state is a declaratory judgment, 274
injunctive relief, or other equitable relief. 275

(3) In addition to its exclusive, original jurisdiction as 276
conferred by division (A)(1) and (2) of this section, the court of 277
claims has exclusive, original jurisdiction as described in 278
division (F) of section 2743.02, division (B) of section 3335.03, 279
and division (C) of section 5903.02 of the Revised Code. 280

(B) The court of claims shall sit in Franklin county, its 281
hearings shall be public, and it shall consist of incumbent 282
justices or judges of the supreme court, courts of appeals, or 283
courts of common pleas, or retired justices or judges eligible for 284
active duty pursuant to division (C) of Section 6 of Article IV, 285
Ohio Constitution, sitting by temporary assignment of the chief 286
justice of the supreme court. The chief justice may direct the 287
court to sit in any county for cases on removal upon a showing of 288
substantial hardship and whenever justice dictates. 289

(C)(1) A civil action against the state shall be heard and 290
determined by a single judge. Upon application by the claimant or 291
the state, the chief justice of the supreme court may assign a 292
panel of three judges to hear and determine a civil action 293
presenting novel or complex issues of law or fact. Concurrence of 294
two members of the panel is necessary for any judgment or order. 295

(2) Whenever the chief justice of the supreme court believes 296
an equitable resolution of a case will be expedited, the chief 297
justice may appoint ~~referees~~ magistrates in accordance with Civil 298
Rule 53 to hear the case. 299

(3) When any dispute under division (B) of section 153.12 of 300
the Revised Code is brought to the court of claims, upon request 301

of either party to the dispute, the chief justice of the supreme 302
court shall appoint a single referee or a panel of three referees. 303
The referees need not be attorneys, but shall be persons 304
knowledgeable about construction contract law, a member of the 305
construction industry panel of the American arbitration 306
association, or an individual or individuals deemed qualified by 307
the chief justice to serve. No person shall serve as a referee if 308
that person has been employed by an affected state agency or a 309
contractor or subcontractor involved in the dispute at any time in 310
the preceding five years. Proceedings governing referees shall be 311
in accordance with Civil Rule 53, except as modified by this 312
division. The referee or panel of referees shall submit its 313
report, which shall include a recommendation and finding of fact, 314
to the judge assigned to the case by the chief justice, within 315
thirty days of the conclusion of the hearings. Referees appointed 316
pursuant to this division shall be compensated on a per diem basis 317
at the same rate as is paid to judges of the court and also shall 318
be paid their expenses. If a single referee is appointed or a 319
panel of three referees is appointed, then, with respect to one 320
referee of the panel, the compensation and expenses of the referee 321
shall not be taxed as part of the costs in the case but shall be 322
included in the budget of the court. If a panel of three referees 323
is appointed, the compensation and expenses of the two remaining 324
referees shall be taxed as costs of the case. 325

All costs of a case shall be apportioned among the parties. 326
The court may not require that any party deposit with the court 327
cash, bonds, or other security in excess of two hundred dollars to 328
guarantee payment of costs without the prior approval in each case 329
of the chief justice. 330

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

~~judge~~ of the court of claims. 334

(D) The Rules of Civil Procedure shall govern practice and 335
procedure in all actions in the court of claims, except insofar as 336
inconsistent with this chapter. The supreme court may promulgate 337
rules governing practice and procedure in actions in the court as 338
provided in Section 5 of Article IV, Ohio Constitution. 339

(E)(1) A party who files a counterclaim against the state or 340
makes the state a third-party defendant in an action commenced in 341
any court, other than the court of claims, shall file a petition 342
for removal in the court of claims. The petition shall state the 343
basis for removal, be accompanied by a copy of all process, 344
pleadings, and other papers served upon the petitioner, and shall 345
be signed in accordance with Civil Rule 11. A petition for removal 346
based on a counterclaim shall be filed within twenty-eight days 347
after service of the counterclaim of the petitioner. A petition 348
for removal based on third-party practice shall be filed within 349
twenty-eight days after the filing of the third-party complaint of 350
the petitioner. 351

(2) Within seven days after filing a petition for removal, 352
the petitioner shall give written notice to the parties, and shall 353
file a copy of the petition with the clerk of the court in which 354
the action was brought originally. The filing effects the removal 355
of the action to the court of claims, and the clerk of the court 356
where the action was brought shall forward all papers in the case 357
to the court of claims. The court of claims shall adjudicate all 358
civil actions removed. The court may remand a civil action to the 359
court in which it originated upon a finding that the removal 360
petition does not justify removal, or upon a finding that the 361
state is no longer a party. 362

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

of claims. 366

Sec. 2743.04. (A) Judges of the court of claims who are not 367
residents of Franklin county, or when the court sits outside 368
Franklin county the judges who are residents of Franklin county, 369
shall be compensated for their actual and necessary expenses of 370
traveling to and from the place of holding the court. 371

(B) A retired judge shall, in addition to ~~his~~ the judge's 372
retirement allowance, receive per diem compensation for service as 373
a member of the court of claims at a rate computed on the annual 374
compensation of a judge of a court of ~~appeals~~ common pleas. An 375
incumbent judge shall receive additional per diem compensation 376
equal to that allowed retired judges under this section less a per 377
diem amount computed on ~~his~~ the incumbent judge's annual 378
compensation. 379

Sec. 2743.041. If a judge of the court of claims allegedly is 380
interested in a proceeding pending before the judge, allegedly is 381
related to or has a bias or prejudice for or against a party to a 382
proceeding pending before the judge or to a party's counsel, or 383
allegedly otherwise is disqualified to preside in a proceeding 384
pending before the judge, any party to the proceeding or the 385
party's counsel may file an affidavit of disqualification with the 386
clerk of the supreme court. The affidavit of disqualification 387
shall be filed and decided in accordance with divisions (B) to (E) 388
of section 2701.03 of the Revised Code, and, upon the filing of 389
the affidavit, the provisions of those divisions apply to the 390
affidavit, the proceeding, the judge, and the parties to the 391
proceeding. 392

Sec. 2743.09. The clerk of the court of claims shall do all 393
of the following: 394

(A) Administer oaths and take and certify affidavits, 395

depositions, and acknowledgments of powers of attorney and other 396
instruments in writing; 397

(B) Prepare the dockets, enter and record the orders, 398
judgments, decisions, awards, and proceedings of the court of 399
claims ~~and the court of claims commissioners~~, and issue writs and 400
process; 401

(C) Maintain an office in Franklin county in rooms provided 402
by the supreme court for that purpose; 403

(D) Keep an appearance docket of civil actions, and claims 404
for an award of reparations, ~~and appeals from decisions of the~~ 405
~~court of claims commissioners~~. The clerk may refuse to accept for 406
filing any pleading or paper that relates to a civil action in the 407
court of claims and that is submitted for filing by a person who 408
has been found to be a vexatious litigator under section 2323.52 409
of the Revised Code and who has failed to obtain leave to proceed 410
under that section. 411

Upon the commencement of an action or claim, the clerk shall 412
assign it a number. This number shall be placed on the first page, 413
and every continuation page, of the appearance docket that 414
concerns the particular action or claim. In addition, this number 415
and the names of the parties shall be placed on the case file and 416
every paper filed in the action or claim. 417

At the time the action is commenced the clerk shall enter in 418
the appearance docket the names of the parties in full and the 419
names of counsel and shall index the action alphabetically by the 420
last name of each party. Thereafter, the clerk shall 421
chronologically note in the appearance docket all process issued 422
and returns, pleas, motions, papers filed in the action, orders, 423
verdicts, and judgments. The notations shall be brief but shall 424
show the date of filing, substance, and journal volume and page of 425
each order, verdict, and judgment. An action is commenced for 426

purposes of this division by the filing of a complaint, including 427
a form complaint under section 2743.10 of the Revised Code or a 428
petition for removal. 429

At the time an appeal for an award of reparations is 430
commenced, the clerk shall enter the full names of the claimant, 431
the victim, and the attorneys in the appearance docket and shall 432
index the claim alphabetically by the last name of the claimant 433
and the victim. Thereafter, the clerk shall chronologically note 434
in the appearance docket all process issued and returns, motions, 435
papers filed in the claim, orders, decisions, and awards. The 436
notations shall be brief but shall show the date of filing, 437
substance, and journal volume and page of each order. 438

(E) Keep all original papers filed in an action or claim in a 439
separate file folder and a journal in which all orders, verdicts, 440
and judgments of the court ~~and commissioners~~ shall be recorded; 441

(F) Charge and collect fees pursuant to section 2303.20 of 442
the Revised Code, keep a cashbook in which the clerk shall enter 443
the amounts received, make a report to the clerk of the supreme 444
court each quarter of the fees received during the preceding 445
quarter, and pay them monthly into the state treasury; 446

(G) Appoint reporters and other clerical personnel; 447

(H) Under the direction of the chief justice, establish 448
procedures for hearing and determining appeals for an award of 449
reparations pursuant to sections 2743.51 to 2743.72 of the Revised 450
Code. 451

Sec. 2743.121. ~~(A) A panel of court of claims commissioners 452
shall render its decisions as to claims for an award of 453
reparations in writing and shall include separate findings of fact 454
and any conclusions of law that are necessary. Orders as to claims 455
for an award of reparations shall be entered on the journal, and 456~~

~~the clerk shall certify on the order the date of journalization 457
and shall send copies of the order and decision to the claimant, 458
the attorney general, and the prosecuting attorney of the county 459
in which the criminally injurious conduct occurred. 460~~

~~(B) A judge of the The court of claims shall render the 461
judge's its decisions as to appeals from decisions of a ~~panel of~~ 462
~~court of claims commissioners~~ the attorney general pursuant to 463
sections 2743.51 to 2743.72 of the Revised Code in writing and 464
shall include a separate finding for each issue contested upon 465
appeal. Orders as to appeals shall be entered on the journal, and 466
the clerk shall certify on the order the date of journalization 467
and shall send copies of the order and decision to the claimant, 468
the attorney general, and the prosecuting attorney of the county 469
in which the criminally injurious conduct occurred. 470~~

Sec. 2743.20. Appeals from orders and judgments of the court 471
of claims lie to the same courts under the same circumstances, as 472
appeals from the court of common pleas of Franklin county, and the 473
same rules of law govern their determination. The decision of the 474
court of claims with respect to an appeal from a decision of the 475
~~court of claims commissioners~~ the attorney general pursuant to 476
sections 2743.51 to 2743.72 of the Revised Code is final, and no 477
appeal from the decision of the court of claims lies to any other 478
court. 479

Sec. 2743.52. (A) The attorney general shall make awards of 480
reparations for economic loss arising from criminally injurious 481
conduct, if satisfied by a preponderance of the evidence that the 482
requirements for an award of reparations have been met. 483

(B) ~~A The court of claims ~~panel of commissioners or a judge~~ 484
~~of the court of claims~~ has appellate jurisdiction to order awards 485
of reparations for economic loss arising from criminally injurious 486~~

conduct, if satisfied by a preponderance of the evidence that the 487
requirements for an award of reparations have been met. 488

(C) A decision of the attorney general, ~~an order of a court~~ 489
~~of claims panel of commissioners,~~ or the judgment of a judge of 490
the court of claims concerning an OVI violation shall not be used 491
as the basis for any civil or criminal action and shall not be 492
admissible as evidence in any civil or criminal proceeding. 493

Sec. 2743.53. ~~(A) A~~ The court of claims panel of 494
~~commissioners~~ shall hear and determine all matters relating to 495
appeals from decisions of the attorney general pursuant to 496
sections 2743.51 to 2743.72 of the Revised Code. 497

~~(B) A judge of the court of claims shall hear and determine~~ 498
~~all matters relating to appeals from decisions or orders of a~~ 499
~~panel of commissioners of the court of claims.~~ 500

Sec. 2743.531. The court of claims victims of crime fund is 501
hereby created in the state treasury. The fund shall be used to 502
pay the compensation of the ~~court of claims commissioners,~~ the 503
~~compensation of~~ judges of the court of claims ~~necessary to hear~~ 504
~~and determine appeals from the commissioners,~~ the compensation of 505
any court of claims personnel needed to administer sections 506
2743.51 to 2743.72 of the Revised Code, and other administrative 507
expenses of hearing and determining ~~appeals by court of claims~~ 508
~~commissioners and judges~~ under sections 2743.51 to 2743.72 of the 509
Revised Code. 510

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

the court of claims victims of crime fund is increased during the 517
fiscal year, the director shall transfer cash from the reparations 518
fund to the court of claims victims of crime fund in an amount 519
equal to the increase in the appropriation. 520

Sec. 2743.55. ~~(A) The attorney general, a court of claims 521
panel of commissioners, or a judge of the court of claims shall 522
determine all matters relating to claims for an award of 523
reparations. The attorney general, a court of claims panel of 524
commissioners, or a judge of the court of claims may order law 525
enforcement officers to provide copies of any information or data 526
gathered in the investigation of the criminally injurious conduct 527
that is the basis of any claim to enable the attorney general, a 528
court of claims panel of commissioners, or a judge of the court of 529
claims to determine whether, and the extent to which, a claimant 530
qualifies for an award of reparations. 531~~

~~(B) A court of claims panel of commissioners shall sit in 532
Franklin county. 533~~

Sec. 2743.60. (A) The attorney general, ~~a court of claims 534
panel of commissioners, or a judge of the court of claims shall 535
not make or order an award of reparations to a claimant if the 536
criminally injurious conduct upon which the claimant bases a claim 537
never was reported to a law enforcement officer or agency. 538~~

~~(B)(1) The attorney general, a panel of commissioners, or a 539
judge of the court of claims shall not make or order an award of 540
reparations to a claimant if any of the following apply: 541~~

~~(a) The claimant is the offender or an accomplice of the 542
offender who committed the criminally injurious conduct, or the 543
award would unjustly benefit the offender or accomplice. 544~~

~~(b) Except as provided in division (B)(2) of this section, 545
both of the following apply: 546~~

(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 (B)(1)(b)(i) of this section being under the influence of alcohol, a drug of abuse, or both.

(c) Both of the following apply:

(i) The victim was under the influence of alcohol, a drug of abuse, or both and was a passenger in a motor vehicle and, if sober, should have reasonably 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 (B)(1)(b)(i) of this section being under the influence of alcohol, a drug of abuse, or both.

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

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

(D) The attorney general, ~~a panel of commissioners,~~ or a ~~judge of~~ the court of claims shall reduce an award of reparations or deny a claim for an award of reparations that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is recouped from other persons, including

collateral sources. If an award is reduced or a claim is denied 578
because of the expected recoupment of all or part of the economic 579
loss of the claimant from a collateral source, the amount of the 580
award or the denial of the claim shall be conditioned upon the 581
claimant's economic loss being recouped by the collateral source. 582
If the award or denial is conditioned upon the recoupment of the 583
claimant's economic loss from a collateral source and it is 584
determined that the claimant did not unreasonably fail to present 585
a timely claim to the collateral source and will not receive all 586
or part of the expected recoupment, the claim may be reopened and 587
an award may be made in an amount equal to the amount of expected 588
recoupment that it is determined the claimant will not receive 589
from the collateral source. 590

If the claimant recoups all or part of the economic loss upon 591
which the claim is based from any other person or entity, 592
including a collateral source, the attorney general may recover 593
pursuant to section 2743.72 of the Revised Code the part of the 594
award that represents the economic loss for which the claimant 595
received the recoupment from the other person or entity. 596

(E)(1) Except as otherwise provided in division (E)(2) of 597
this section, the attorney general, ~~a panel of commissioners,~~ or a 598
~~judge~~ of the court of claims shall not make an award to a claimant 599
if any of the following applies: 600

(a) The victim was convicted of a felony within ten years 601
prior to the criminally injurious conduct that gave rise to the 602
claim or is convicted of a felony during the pendency of the 603
claim. 604

(b) The claimant was convicted of a felony within ten years 605
prior to the criminally injurious conduct that gave rise to the 606
claim or is convicted of a felony during the pendency of the 607
claim. 608

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

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

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

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

(F) In determining whether to make an award of reparations pursuant to this section, the attorney general or ~~panel of~~

~~commissioners~~ the court of claims shall consider whether there was 641
contributory misconduct by the victim or the claimant. The 642
attorney general, ~~a panel of commissioners,~~ or a ~~judge~~ of the 643
court of claims shall reduce an award of reparations or deny a 644
claim for an award of reparations to the extent it is determined 645
to be reasonable because of the contributory misconduct of the 646
claimant or the victim. 647

When the attorney general decides whether a claim should be 648
denied because of an allegation of contributory misconduct, the 649
burden of proof on the issue of that alleged contributory 650
misconduct shall be upon the claimant, if either of the following 651
apply: 652

(1) The victim was convicted of a felony more than ten years 653
prior to the criminally injurious conduct that is the subject of 654
the claim or has a record of felony arrests under the laws of this 655
state, another state, or the United States. 656

(2) There is good cause to believe that the victim engaged in 657
an ongoing course of criminal conduct within five years or less of 658
the criminally injurious conduct that is the subject of the claim. 659

(G) The attorney general, ~~a panel of commissioners,~~ or a 660
~~judge~~ of the court of claims shall not make an award of 661
reparations to a claimant if the criminally injurious conduct that 662
caused the injury or death that is the subject of the claim 663
occurred to a victim who was an adult and while the victim, after 664
being convicted of or pleading guilty to an offense, was serving a 665
sentence of imprisonment in any detention facility, as defined in 666
section 2921.01 of the Revised Code. 667

(H) If a claimant unreasonably fails to present a claim 668
timely to a source of benefits or advantages that would have been 669
a collateral source and that would have reimbursed the claimant 670
for all or a portion of a particular expense, the attorney 671

general, ~~a panel of commissioners,~~ or a ~~judge~~ of the court of 672
claims may reduce an award of reparations or deny a claim for an 673
award of reparations to the extent that it is reasonable to do so. 674

(I) Reparations payable to a victim and to all other 675
claimants sustaining economic loss because of injury to or the 676
death of that victim shall not exceed fifty thousand dollars in 677
the aggregate. If the attorney general, ~~a panel of commissioners,~~ 678
or a ~~judge~~ of the court of claims reduces an award under division 679
(F) of this section, the maximum aggregate amount of reparations 680
payable under this division shall be reduced proportionately to 681
the reduction under division (F) of this section. 682

(J) Nothing in this section shall be construed to prohibit an 683
award to a claimant whose claim is based on the claimant's being a 684
victim of a violation of section 2905.32 of the Revised Code if 685
the claimant was less than eighteen years of age when the 686
criminally injurious conduct occurred. 687

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

reparations pending on ~~the effective date of this section~~ 703
September 30, 2011, and to all claims for an award of reparations 704
filed on or after ~~the effective date of this section~~ September 30, 705
2011, that are based on criminally injurious conduct not 706
previously addressed by the attorney general, ~~by a panel of~~ 707
~~commissioners~~, or ~~by~~ the court of claims. 708

Sec. 2743.61. (A) The attorney general, on the attorney 709
general's own motion or upon request of a claimant or victim, may 710
reconsider a decision to make an award of reparations, the amount 711
of an award of reparations, or a decision to deny a claim for an 712
award of reparations. A claimant may file a request for 713
reconsideration with the attorney general not later than thirty 714
days after the attorney general renders an initial decision. A 715
claimant may submit with the request any additional information 716
that is relevant to the claimant's claim for an award of 717
reparation. 718

The attorney general shall reconsider the application based 719
upon evidence that is relevant to the application and issue a 720
final decision within sixty days of receiving the request for 721
reconsideration. The attorney general may extend the sixty-day 722
time limit and shall record in writing specific reasons to justify 723
the extension. The attorney general shall notify the claimant of 724
the extension and of the reasons for the extension. 725

If a claimant does not file a request for reconsideration of 726
a decision of the attorney general to make an award or to deny a 727
claim or of the amount of an award within thirty days after the 728
decision is rendered, the award, the denial of the claim, or the 729
amount of the award is final unless the attorney general in the 730
interest of justice allows the reconsideration after the 731
expiration of that period of time. 732

(B) A claimant may appeal an award of reparations, the amount 733
of an award of reparations, or the denial of a claim for an award 734
of reparations that is made by a final decision of the attorney 735
general after any reconsideration. If the final decision of the 736
attorney general with respect to any claim for an award of 737
reparations is appealed, a the court of claims ~~panel of~~ 738
~~commissioners~~, within ninety days of receiving the notice of 739
appeal, shall schedule and conduct a hearing on the appeal. The 740
~~panel of commissioners~~ court shall determine the appeal within 741
sixty days from the date of the hearing on the basis of the record 742
of the hearing before the ~~commissioners~~ court, including the 743
original award or denial and the finding of fact of the attorney 744
general, any information or documents that the attorney general 745
used in the investigation, any information or data provided to the 746
attorney general, any briefs or oral arguments that may be 747
requested by a the court of ~~claims panel of commissioners~~, and any 748
additional evidence presented at the hearing. The ~~panel of~~ 749
~~commissioners~~ court may extend the sixty-day time limit and shall 750
record in writing specific reasons to justify the extension. The 751
attorney general shall supply the ~~panel of commissioners~~ court 752
with the original decision awarding or denying compensation, the 753
finding of fact of the attorney general, any information or 754
documents that the attorney general used in the investigation, and 755
any information or data provided to the attorney general within 756
fourteen days of the filing of the objection and notice of appeal 757
by the applicant. The ~~panel of commissioners~~ court shall notify 758
the claimant and attorney general of the extension and of the 759
reasons for the extension. If upon hearing and consideration of 760
the record and evidence, the court of ~~claims panel of~~ 761
~~commissioners~~ decides that the decision of the attorney general 762
appealed from is reasonable and lawful, it shall affirm the same. 763
If the court of ~~claims panel of commissioners~~ decides that the 764
decision of the attorney general is not supported by a 765

preponderance of the evidence or is unreasonable or unlawful, ~~it~~ 766
the court shall reverse and vacate the decision or modify it and 767
enter judgment thereon. The 768

~~(C) The attorney general or a claimant may appeal an award of 769
reparations, the amount of an award of reparations, or the denial 770
of a claim for an award of reparations that is made by a panel of 771
court of claims commissioners. If the determination of the panel 772
of commissioners with respect to any claim for an award of 773
reparations is appealed, a judge of the court of claims shall hear 774
and determine the appeal on the basis of the record of the hearing 775
before the commissioners, including the original award or denial 776
made by the attorney general, any information or documents 777
presented to the panel of commissioners, and any briefs or oral 778
arguments that may be requested by the judge. If upon hearing and 779
consideration of the record and evidence, the judge decides that 780
the decision of the panel of commissioners is unreasonable or 781
unlawful, the judge shall reverse and vacate the decision or 782
modify it and enter judgment on the claim. The decision of the 783
judge of the court of claims is final. 784~~

~~(D)~~(C) Notices of an appeal concerning an award of 785
reparations shall be filed within thirty days after the date on 786
which the award or the denial of a claim is made by a final 787
decision of the attorney general. If a notice of appeal is not 788
filed within the thirty-day period, the award or denial of the 789
claim is final unless a the court of claims ~~panel of commissioners~~ 790
in the interests of justice allows the appeal. 791

~~(E) The attorney general or a claimant shall file a notice of 792
an appeal concerning an order or decision of a panel of 793
commissioners within thirty days after the date on which the award 794
or the denial of a claim is made by the panel of commissioners. If 795
the attorney general or a claimant does not file a notice of 796
appeal with respect to an award or denial within the thirty day 797~~

~~period, the award or denial of the claim is final unless a judge 798
of the court of claims in the interests of justice allows the 799
appeal. 800~~

Sec. 2743.62. (A)(1) Subject to division (A)(2) of this 801
section, there is no privilege, except the privileges arising from 802
the attorney-client relationship, as to communications or records 803
that are relevant to the physical, mental, or emotional condition 804
of the claimant or victim in a proceeding under sections 2743.51 805
to 2743.72 of the Revised Code in which that condition is an 806
element. 807

(2)(a) Except as specified in division (A)(2)(b) of this 808
section, any record or report that a judge of the court of claims, ~~a 809
court of claims panel of commissioners,~~ or the attorney general 810
has obtained prior to, or obtains on or after, June 30, 1998, 811
under the provisions of sections 2743.51 to 2743.72 of the Revised 812
Code and that is confidential or otherwise exempt from public 813
disclosure under section 149.43 of the Revised Code while in the 814
possession of the creator of the record or report shall remain 815
confidential or exempt from public disclosure under section 149.43 816
of the Revised Code while in the possession of the court of claims 817
or the attorney general. 818

(b) Notwithstanding division (A)(2)(a) of this section, a 819
judge of the court of claims, a ~~panel of commissioners~~ magistrate, 820
a claimant, a claimant's attorney, or the attorney general may 821
disclose or refer to records or reports described in that division 822
in any hearing conducted under sections 2743.51 to 2743.72 of the 823
Revised Code or in the judge's, ~~panel of commissioners'~~ 824
magistrate's, claimant's, or attorney general's written pleadings, 825
findings, recommendations, and decisions. 826

(B) If the mental, physical, or emotional condition of a 827
victim or claimant is material to a claim for an award of 828

reparations, the attorney general, ~~a panel of commissioners,~~ or a 829
~~judge of~~ the court of claims may order the victim or claimant to 830
submit to a mental or physical examination and may order an 831
autopsy of a deceased victim. The order may be made for good cause 832
shown and upon notice to the person to be examined and to the 833
claimant. The order shall specify the time, place, manner, 834
conditions, and scope of the examination or autopsy and the person 835
by whom it is to be made. In the case of a mental examination, the 836
person specified may be a physician or psychologist. In the case 837
of a physical examination, the person specified may be a 838
physician, a physician assistant, a clinical nurse specialist, a 839
certified nurse practitioner, or a certified nurse-midwife. In the 840
case of an autopsy, the person specified must be a physician. The 841
order shall require the person who performs the examination or 842
autopsy to file with the attorney general a detailed written 843
report of the examination or autopsy. The report shall set out the 844
findings, including the results of all tests made, diagnoses, 845
prognoses, and other conclusions and reports of earlier 846
examinations of the same conditions. 847

(C) On request of the person examined, the attorney general 848
shall furnish the person a copy of the report. If the victim is 849
deceased, the attorney general, on request, shall furnish the 850
claimant a copy of the report. 851

(D) The attorney general, ~~a panel of commissioners,~~ or a 852
~~judge of~~ the court of claims may require the claimant to 853
supplement the application for an award of reparations with any 854
reasonably available medical or psychological reports relating to 855
the injury for which the award of reparations is claimed. 856

(E) The attorney general, ~~a panel of commissioners,~~ or a 857
~~judge of~~ the court of claims, in a claim arising out of a 858
violation of any provision of sections 2907.02 to 2907.07 of the 859
Revised Code, shall not request the victim or the claimant to 860

supply, or permit any person to supply, any evidence of specific 861
instances of the victim's sexual activity, opinion evidence of the 862
victim's sexual activity, or reputation evidence of the victim's 863
sexual activity unless it involves evidence of the origin of 864
semen, pregnancy, or disease or evidence of the victim's past 865
sexual activity with the offender and only to the extent that the 866
~~judge, the panel~~ court of commissioners, claims or the attorney 867
general finds that the evidence is relevant to a fact at issue in 868
the claim. 869

Sec. 2743.63. If a person refuses to comply with an order 870
under sections 2743.51 to 2743.72 of the Revised Code, or asserts 871
a privilege, except privileges arising from the attorney-client 872
relationship, to withhold or suppress evidence relevant to a claim 873
for an award of reparations, the attorney general may make any 874
just decision including denial of the claim but shall not find the 875
person in contempt. If necessary to carry out any of the attorney 876
general's powers and duties, the attorney general may petition a 877
~~the~~ court of claims ~~panel of commissioners~~ for an appropriate 878
order, including but not limited to a finding of contempt, but a 879
~~panel of commissioners~~ the court shall not find a person in 880
contempt for refusal to submit to a mental or physical 881
examination. 882

Sec. 2743.64. The attorney general, ~~a court of claims panel~~ 883
~~of commissioners,~~ or ~~a judge of~~ the court of claims may make an 884
award of reparations whether or not any person is prosecuted or 885
convicted for committing the conduct that is the basis of the 886
award. Proof of conviction of a person whose conduct gave rise to 887
a claim is conclusive evidence that the crime was committed, 888
unless an application for rehearing, an appeal of the conviction, 889
or certiorari is pending, or a rehearing or new trial has been 890
ordered. 891

If the prosecuting attorney of the county in which the 892
criminally injurious conduct allegedly occurred requests the 893
suspension of proceedings in any claim for an award of reparations 894
and if the request is made because of the commencement of a 895
criminal prosecution, the attorney general may suspend, because a 896
criminal prosecution has been commenced or is imminent, the 897
proceedings in any claim for an award of reparations for a 898
definite period of time, and may make an emergency award under 899
section 2743.67 of the Revised Code. 900

Sec. 2743.65. (A) The attorney general shall determine, and 901
the state shall pay, in accordance with this section attorney's 902
fees, commensurate with services rendered, to the attorney 903
representing a claimant under sections 2743.51 to 2743.72 of the 904
Revised Code. The attorney shall submit on an application form an 905
itemized fee bill at the rate of sixty dollars per hour upon 906
receipt of the final decision on the claim. Attorney's fees paid 907
pursuant to this section are subject to the following maximum 908
amounts: 909

(1) A maximum of seven hundred twenty dollars for claims 910
resolved without the filing of an appeal to the ~~panel court~~ court of 911
~~commissioners claims~~; 912

(2) A maximum of one thousand twenty dollars for claims in 913
which an appeal to the ~~panel court~~ court of ~~commissioners claims~~ is 914
filed plus, at the request of an attorney whose main office is not 915
in Franklin county, Delaware county, Licking county, Fairfield 916
county, Pickaway county, Madison county, or Union county, an 917
amount for the attorney's travel time to attend the oral hearing 918
before the ~~panel court~~ court of ~~commissioners claims~~ at the rate of 919
thirty dollars per hour; 920

(3) A maximum of one thousand three hundred twenty dollars 921
for claims in which an appeal to a ~~judge~~ of the court of claims is 922

filed plus, at the request of an attorney whose main office is not 923
in Franklin county, Delaware county, Licking county, Fairfield 924
county, Pickaway county, Madison county, or Union county, an 925
amount for the attorney's travel time to attend the oral hearing 926
before the judge court at the rate of thirty dollars per hour; 927

(4) A maximum of seven hundred twenty dollars for a 928
supplemental reparations application; 929

(5) A maximum of two hundred dollars if the claim is denied 930
on the basis of a claimant's or victim's conviction of a felony 931
offense prior to the filing of the claim. If the claimant or 932
victim is convicted of a felony offense during the pendency of the 933
claim, the two hundred dollars maximum does not apply. If the 934
attorney had knowledge of the claimant's or victim's felony 935
conviction prior to the filing of the application for the claim, 936
the attorney general may determine that the filing of the claim 937
was frivolous and may deny attorney's fees. 938

(B) The attorney general may determine that an attorney be 939
reimbursed for fees incurred in the creation of a guardianship if 940
the guardianship is required in order for an individual to receive 941
an award of reparations, and those fees shall be reimbursed at a 942
rate of sixty dollars per hour. 943

(C)(1) The attorney general shall forward an application form 944
for attorney's fees to a claimant's attorney before or when the 945
final decision on a claim is rendered. The application form for 946
attorney's fees shall do all of the following: 947

(a) Inform the attorney of the requirements of this section; 948

(b) Require a verification statement comporting with the law 949
prohibiting falsification; 950

(c) Require an itemized fee statement; 951

(d) Require a verification statement that the claimant was 952

served a copy of the completed application form; 953

(e) Include notice that the claimant may oppose the 954
application by notifying the attorney general in writing within 955
ten days. 956

(2) The attorney general shall forward a copy of this section 957
to the attorney with the application form for attorney's fees. The 958
attorney shall file the application form with the attorney 959
general. The attorney general's decision with respect to an award 960
of attorney's fees is final ten days after the attorney general 961
renders the decision and mails a copy of the decision to the 962
attorney at the address provided by the attorney. The attorney may 963
request reconsideration of the decision on grounds that it is 964
insufficient or calculated incorrectly. The attorney general's 965
decision on the request for reconsideration is final. 966

(D) The attorney general shall review all application forms 967
for attorney's fees that are submitted by a claimant's attorney 968
and shall issue an order approving the amount of fees to be paid 969
to the attorney within sixty days after receipt of the application 970
form. 971

(E) No attorney's fees shall be paid for the following: 972

(1) Estate work or representation of a claimant against a 973
collateral source; 974

(2) Duplication of investigative work required to be 975
performed by the attorney general; 976

(3) Performance of unnecessary criminal investigation of the 977
offense; 978

(4) Presenting or appealing an issue that has been repeatedly 979
ruled upon by the highest appellate authority, unless a unique set 980
of facts or unique issue of law exists that distinguishes it; 981

(5) A fee request that is unreasonable, is not commensurate 982

with services rendered, violates the Ohio code of professional 983
responsibility, or is based upon services that are determined to 984
be frivolous. 985

(F)(1) The attorney general may reduce or deny the payment of 986
attorney's fees to an attorney who has filed a frivolous claim. 987
Subject to division (A)(5) of this section, the denial of a claim 988
on the basis of a felony conviction, felony conduct, or 989
contributory misconduct does not constitute a frivolous claim. 990

(2) As used in this section, "frivolous claim" means a claim 991
in which there is clearly no legal grounds under the existing laws 992
of this state to support the filing of a claim on behalf of the 993
claimant or victim. 994

(G) The attorney general may determine that a lesser number 995
of hours should have been required in a given case. Additional 996
reimbursement may be made where the attorney demonstrates to the 997
attorney general that the nature of the particular claim required 998
the expenditure of an amount in excess of that allowed. 999

(H) No attorney shall receive payment under this section for 1000
assisting a claimant with an application for an award of 1001
reparations under sections 2743.51 to 2743.72 of the Revised Code 1002
if that attorney's fees have been allowed as an expense in 1003
accordance with division (F)(4) of section 2743.51 of the Revised 1004
Code. 1005

(I) A contract or other agreement between an attorney and any 1006
person that provides for the payment of attorney's fees or other 1007
payments in excess of the attorney's fees allowed under this 1008
section for representing a claimant under sections 2743.51 to 1009
2743.72 of the Revised Code shall be void and unenforceable. 1010

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

Code. 1014

Sec. 2743.66. (A) A decision of the attorney general, or 1015
~~order of a court of claims panel of commissioners,~~ or judgment of 1016
~~a judge~~ of the court of claims granting an award of reparations 1017
may provide for the payment of the award in a lump sum or in 1018
installments. The part of an award equal to the amount of economic 1019
loss accrued to the date of the award shall be paid in a lump sum. 1020
An award for allowable expense that would accrue after the award 1021
is made shall not be paid in a lump sum. Except as provided in 1022
division (B) of this section, the part of an award not paid in a 1023
lump sum shall be paid in installments. 1024

(B) Upon the motion of the claimant, the attorney general may 1025
commute future economic loss, other than allowable expense, to a 1026
lump sum but only upon a finding that either of the following 1027
applies: 1028

(1) The award in a lump sum will promote the interests of the 1029
claimant. 1030

(2) The present value of all future economic loss, other than 1031
allowable expense, does not exceed one thousand dollars. 1032

(C) The attorney general may make an award for future 1033
economic loss payable in installments only for a period as to 1034
which future economic loss reasonably can be determined. An award 1035
for future economic loss payable in installments may be 1036
reconsidered and modified upon a finding that a material and 1037
substantial change of circumstances has occurred. 1038

(D) An award is not subject to execution, attachment, 1039
garnishment, or other process, except that, upon receipt of an 1040
award by a claimant: 1041

(1) The part of the award that is for allowable expense or 1042
funeral expense is not exempt from such action by a creditor to 1043

the extent that the creditor provided products, services, or 1044
accommodations the costs of which are included in the award. 1045

(2) The part of the award that is for work loss shall not be 1046
exempt from such action to secure payment of spousal support, 1047
other maintenance, or child support. 1048

(3) The attorney general may recover the award pursuant to 1049
section 2743.72 of the Revised Code if it is discovered that the 1050
claimant actually was not eligible for the award or that the award 1051
otherwise should not have been made under the standards and 1052
criteria set forth in sections 2743.51 to 2743.72 of the Revised 1053
Code. 1054

(4) If the claimant receives compensation from any other 1055
person or entity, including a collateral source, for an expense 1056
that is included within the award, the attorney general may 1057
recover pursuant to section 2743.72 of the Revised Code the part 1058
of the award that represents the expense for which the claimant 1059
received the compensation from the other person or entity. 1060

(E) If a person entitled to an award of reparations is under 1061
eighteen years of age and if the amount of the award exceeds one 1062
thousand dollars, the order providing for the payment of the award 1063
shall specify that the award be paid either to the guardian of the 1064
estate of the minor appointed pursuant to Chapter 2111. of the 1065
Revised Code or to the person or depository designated by the 1066
probate court under section 2111.05 of the Revised Code. If a 1067
person entitled to an award of reparations is under eighteen years 1068
of age and if the amount of the award is one thousand dollars or 1069
less, the order providing for the payment of the award may specify 1070
that the award be paid to an adult member of the family of the 1071
minor who is legally responsible for the minor's care or to any 1072
other person designated by the attorney general or ~~panel of~~ 1073
~~commissioners issuing the decision or order~~ court of claims. 1074

Sec. 2743.67. The attorney general may make an emergency award if, before acting on an application for an award of reparations under this section, it appears likely that a final award will be made, and the claimant or victim will suffer undue hardship if immediate economic relief is not obtained. An emergency award shall not exceed two thousand dollars. The attorney general or the court of claims ~~panel of commissioners~~ shall deduct an amount of the emergency award from the final award, or the claimant or victim shall repay the amount of the emergency award that exceeds the final award made to the claimant. If no final award is made, the claimant or victim shall repay the entire emergency award.

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

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

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

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

Sec. 2743.69. (A) The attorney general shall prepare and transmit annually to the governor, the president of the senate, the speaker of the house of representatives, and the minority leaders of both houses a report of the activities of the Ohio crime victims compensation program under sections 2743.51 to

2743.72 of the Revised Code. The report shall include all of the 1105
following: 1106

(1) The number of claims filed, the number of awards made and 1107
the amount of each award, and a statistical summary of awards made 1108
and denied, including the average size of awards; 1109

(2) The balance in the reparations fund, with a listing by 1110
source and amount of the moneys that have been deposited in the 1111
fund; 1112

(3) The amount that has been withdrawn from the fund, 1113
including separate listings of the administrative costs incurred 1114
by the attorney general and a the court of claims ~~panel of~~ 1115
~~commissioners, compensation of judges and court personnel,~~ the 1116
amount awarded as attorney's fees, and the amount of payments made 1117
pursuant to divisions (A)(1)(k) and (l) of section 2743.191 of the 1118
Revised Code. 1119

(B) The director of budget and management shall assist the 1120
attorney general in the preparation of the report required by this 1121
section. 1122

Sec. 2743.71. (A) Any law enforcement agency that 1123
investigates, and any prosecuting attorney, city director of law, 1124
village solicitor, or similar prosecuting authority who 1125
prosecutes, an offense committed in this state shall, upon first 1126
contact with the victim or the victim's family or dependents, give 1127
the victim or the victim's family or dependents a copy of an 1128
information card or other printed material provided by the 1129
attorney general pursuant to division (B) of this section and 1130
explain, upon request, the information on the card or material to 1131
the victim or the victim's family or dependents. 1132

(B) The attorney general shall have printed, and shall 1133
provide to law enforcement agencies, prosecuting attorneys, city 1134

directors of law, village solicitors, and similar prosecuting 1135
authorities, cards or other materials that contain information 1136
explaining awards of reparations. The information on the cards or 1137
other materials shall include, but shall not be limited to, the 1138
following statements: 1139

(1) Awards of reparations are limited to losses that are 1140
caused by physical injury resulting from criminally injurious 1141
conduct; 1142

(2) Reparations applications are required to be filed ~~within~~ 1143
~~two years after the date of the criminally injurious conduct if~~ 1144
~~the victim was an adult, or~~ within the period provided by division 1145
(~~C~~)(B)(1) of section 2743.56 of the Revised Code if the victim of 1146
the criminally injurious conduct was a minor; 1147

(3) An attorney who represents an applicant for an award of 1148
reparations cannot charge the applicant for the services rendered 1149
in relation to that representation but is required to apply to the 1150
attorney general for payment for the representation; 1151

(4) Applications for awards of reparations may be obtained 1152
from the attorney general, law enforcement agencies, and victim 1153
assistance agencies and are to be filed with the attorney general. 1154

(C) The attorney general may order that a reasonable amount 1155
of money be paid out of the reparations fund, subject to the 1156
limitation imposed by division (D) of this section, for use by the 1157
attorney general to publicize the availability of awards of 1158
reparations. 1159

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

the Revised Code, in the reparations fund during the immediately 1166
preceding fiscal year. 1167

Section 2. That existing sections 2701.03, 2701.031, 2743.03, 1168
2743.04, 2743.09, 2743.121, 2743.20, 2743.52, 2743.53, 2743.531, 1169
2743.55, 2743.60, 2743.601, 2743.61, 2743.62, 2743.63, 2743.64, 1170
2743.65, 2743.66, 2743.67, 2743.68, 2743.69, and 2743.71 and 1171
section 2743.54 of the Revised Code are hereby repealed. 1172