

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**S. B. No. 267**

**Senator Schaffer**

**Cosponsors: Senators Brenner, Cirino**

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**A BILL**

To amend section 2307.70 and to enact section  
309.081 of the Revised Code regarding civil  
actions by persons who suffer injury or loss due  
to vandalism or riot activity.

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

**Section 1.** That section 2307.70 be amended and section  
309.081 of the Revised Code be enacted to read as follows:

**Sec. 309.081.** It is the intent of the General Assembly to  
encourage prosecution of activities committed in violation of  
section 2909.05, 2917.02, or 2917.03 of the Revised Code.

**Sec. 2307.70.** ~~(A)~~ (A) (1) Any person who suffers injury or  
loss to person or property as a result of an act committed in  
violation of section ~~2909.05, 2927.11,~~ or 2927.12 of the Revised  
Code has a civil action against the offender and may recover in  
that action full compensatory damages, including, but not  
limited to, damages for emotional distress, and may recover  
punitive or exemplary damages, court costs, other reasonable  
expenses incurred in maintaining that action, and the reasonable  
attorney's fees incurred in maintaining that action.

(2) (a) Any person who suffers injury or loss to person or 19  
property as a result of an act committed in violation of section 20  
2909.05, 2917.02, or 2917.03 of the Revised Code has a civil 21  
action against any offender who committed the violation and 22  
against any person or organization who provided material support 23  
or resources with the intent that the material support or 24  
resources would be used to perpetuate the offense. In the 25  
action, the person may obtain an order requiring the offender to 26  
fix or repair damage to property that was suffered by the person 27  
and may recover other damages, as described in divisions (A) (2) 28  
(b) and (c) of this section. 29

(b) (i) In a civil action brought against an offender under 30  
division (A) (2) (a) of this section, if the person who brings the 31  
action proves that the offender's conduct in violation of 32  
section 2909.05, 2917.02, or 2917.03 of the Revised Code or that 33  
the conduct of any person in violation of any of those sections 34  
that occurred at the same time as, was part of a common scheme 35  
or plan with, or was part of a course of criminal conduct with, 36  
the offender's violation of any of those sections was a 37  
proximate cause of damage to property that was suffered by the 38  
person, there is a presumption that the offender shall be 39  
required to fix or repair damage to property that occurred as a 40  
proximate result of that conduct, in either the manner described 41  
in division (A) (2) (d) (i) of this section or the manner described 42  
in division (A) (2) (d) (ii) of this section. The presumption 43  
applies with respect to each item of property that suffered 44  
damage as a proximate result of that conduct. 45

(ii) The presumption described in division (A) (2) (b) (i) of 46  
this section does not apply with respect to a particular item of 47  
property, and the court shall not issue an order requiring the 48  
offender against whom the civil action is brought to fix or 49

repair damage to that item of property that occurred as a 50  
proximate result of the conduct described in that division, if 51  
the offender proves by clear and convincing evidence that the 52  
offender did not personally engage in conduct in violation of 53  
section 2909.05, 2917.02, or 2917.03 of the Revised Code that 54  
was a proximate cause of the damage to that item of property. 55

(iii) When the presumption described in division (A) (2) (b) 56  
(i) of this section applies, the court shall issue an order 57  
requiring the offender against whom the civil action is brought 58  
to fix or repair the damage to property that occurred as a 59  
proximate result of the conduct described in that division, in 60  
either the manner described in division (A) (2) (d) (i) of this 61  
section or the manner described in division (A) (2) (d) (ii) of 62  
this section, as determined by the court. 63

(c) In a civil action brought under division (A) (2) (a) of 64  
this section, in addition to obtaining an order as described in 65  
division (A) (2) (b) of this section requiring the offender 66  
against whom the action is brought to fix or repair the damage 67  
to property that occurred as a proximate result of conduct 68  
described in division (A) (2) (b) (i) of this section, if 69  
applicable, the person who brings the action may recover in the 70  
action full compensatory damages, including damages for 71  
emotional distress, and may recover court costs, other 72  
reasonable expenses incurred in maintaining that action, and the 73  
reasonable attorney's fees incurred in maintaining that action. 74

(d) As used in division (A) (2) of this section: 75

(i) "Fix or repair damage to property" or "fix or repair 76  
the damage to property" that occurred as a proximate result of 77  
conduct described in division (A) (2) (b) (i) of this section means 78  
either of the following, as ordered by the court: 79

(I) The offender to whom an order issued under that 80  
division applies personally fixes or repairs the damage to the 81  
property that occurred as a proximate result of the conduct, to 82  
the extent practicable; 83

(II) The offender to whom an order issued under that 84  
division applies pays the cost of fixing or repairing damage to 85  
the property that occurred as a proximate result of the conduct. 86

(ii) "Material support or resources" has the same meaning 87  
as in section 2909.21 of the Revised Code. 88

(B) (1) Any person who suffers injury or loss to person or 89  
property as a result of an act committed in violation of section 90  
2909.05, 2927.11, or 2927.12 of the Revised Code by a minor 91  
child has a civil action against the parent of the minor child 92  
and may recover in that action compensatory damages not to 93  
exceed fifteen thousand dollars, court costs, other reasonable 94  
expenses incurred in maintaining that action, and reasonable 95  
attorney's fees incurred in maintaining that action. A parent 96  
and the parent's minor child are jointly and severally liable as 97  
specified in this division for the injury or loss to person or 98  
property caused by the minor child's act committed in violation 99  
of section 2909.05, 2927.11, or 2927.12 of the Revised Code. If 100  
a person recovers compensatory damages from a parent of a minor 101  
child pursuant to this division, that recovery does not preclude 102  
the person from maintaining a civil action against the minor 103  
child pursuant to division (A) of this section. 104

(2) As used in division (B) of this section: 105

(a) "Minor child" means a person who is under eighteen 106  
years of age and who is not married at the time of the 107  
commission of an act in violation of section 2909.05, 2927.11, 108

or 2927.12 of the Revised Code that gives rise to a civil action 109  
under division (B) of this section. 110

(b) "Parent" has the same meaning as in section 3109.09 of 111  
the Revised Code. 112

~~(C)~~ (C) (1) No government official with authority over any 113  
law enforcement agency or peace officers shall do any of the 114  
following: 115

(a) Limit or restrict the authority of the agency to have 116  
its peace officers, or certain designated peace officers of the 117  
agency, arrest or detain individuals involved in a riot or 118  
vandalism activity or take action to quell a riot or vandalism 119  
activity; 120

(b) Limit or restrict the authority of the officers, or 121  
certain designated officers, to arrest or detain individuals 122  
involved in a riot or vandalism activity or to take action to 123  
quell a riot or vandalism activity. 124

(2) No government official, law enforcement agency, or 125  
peace officer shall discharge, demote, reassign, or take any 126  
punitive action against any employee because the employee made a 127  
charge, testified, assisted, or participated in any manner in 128  
any investigation, proceeding, or hearing regarding a violation 129  
of division (C) (1) of this section. 130

(3) As used in division (C) of this section: 131

(a) "Government entity" means this state, a state agency 132  
as defined in section 1.60 of the Revised Code, a political 133  
subdivision, or any entity of local government. 134

(b) "Government official" means any elected or appointed 135  
officer, employee, or agent of a government entity, other than a 136

peace officer, whether in a temporary or permanent capacity. 137

(c) "Law enforcement agency" means a government entity 138  
that employs peace officers to perform law enforcement duties. 139

(d) "Peace officer" has the same meaning as in section 140  
2921.51 of the Revised Code. 141

(e) "Riot or vandalism activity" means any conduct that is 142  
in violation of section 2909.05, 2917.02, or 2917.03 of the 143  
Revised Code or in violation of any ordinance of a municipal 144  
corporation that is substantially equivalent to any of those 145  
sections. 146

(D) The monetary limitation upon compensatory damages set 147  
forth in section 3109.09 or 3109.10 of the Revised Code does not 148  
apply to a civil action brought pursuant to division (A) ~~or~~, 149  
(B), or (C) of this section. 150

~~(D)~~ (E) A civil action may be maintained under division (A) 151  
~~or~~, (B), or (C) of this section whether or not the person who 152  
committed an act in violation of section 2909.05, 2917.02, 153  
2917.03, 2927.11, or 2927.12 of the Revised Code has been 154  
charged by an indictment, information, or complaint with a 155  
violation of any of those sections, has been convicted of or 156  
pleaded guilty to a violation of any of those sections, has been 157  
charged by a complaint with being a delinquent child for 158  
committing an act that is a violation of any of those sections, 159  
or has been adjudicated a delinquent child for having committed 160  
an act of that nature. 161

~~(E)~~ (F) No record of conviction, unless obtained by 162  
confession in open court, or delinquent child adjudication shall 163  
be used as evidence in a civil action brought pursuant to 164  
division (A) ~~or~~, (B), or (C) of this section. 165

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| <b>Section 2.</b> That existing section 2307.70 of the Revised | 166 |
| Code is hereby repealed.                                       | 167 |