

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 281

Representatives Seitz, Young, T.

Cosponsors: Representatives Carruthers, Williams, Dean, Stewart, Hall

A BILL

To amend section 2307.60 of the Revised Code to
require in a civil action for damages caused by
another person's criminal act that such other
person was convicted of, pleaded guilty to, or
adjudicated delinquent in connection with the
criminal act.

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

Section 1. That section 2307.60 of the Revised Code be
amended to read as follows:

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Sec. 2307.60. ~~(A)(1)~~ (A) Anyone injured in person or
property by a criminal act committed by a person who previously
has been convicted of, or pleaded guilty to, the offense charged
for such criminal act, or previously has been adjudicated a
delinquent child in connection with the criminal act, in a
final, unappealable order has, and may recover full damages in,
a civil action unless specifically excepted by law~~7~~. The injured
person additionally may recover the costs following:

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(1) The costs of maintaining the civil action and
attorney's fees if authorized by any provision of the Rules of

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Civil Procedure or another section of the Revised Code or under 19
the common law of this state, ~~and may recover punitive;~~ 20

(2) Punitive or exemplary damages if authorized by section 21
2315.21 or another section of the Revised Code. 22

~~(2) A final judgment of a trial court that has not been 23
reversed on appeal or otherwise set aside, nullified, or 24
vacated, entered after a trial or upon a plea of guilty, but not 25
upon a plea of no contest or the equivalent plea from another 26
jurisdiction, that adjudges an offender guilty of an offense of 27
violence punishable by death or imprisonment in excess of one 28
year, when entered as evidence in any subsequent civil 29
proceeding based on the criminal act, shall preclude the 30
offender from denying in the subsequent civil proceeding any 31
fact essential to sustaining that judgment, unless the offender 32
can demonstrate that extraordinary circumstances prevented the 33
offender from having a full and fair opportunity to litigate the 34
issue in the criminal proceeding or other extraordinary 35
circumstances justify affording the offender an opportunity to 36
relitigate the issue. The offender may introduce evidence of the 37
offender's pending appeal of the final judgment of the trial 38
court, if applicable, and the court may consider that evidence 39
in determining the liability of the offender. 40~~

(B) (1) As used in division (B) of this section: 41

(a) "Tort action" means a civil action for damages for 42
injury, death, or loss to person or property other than a civil 43
action for damages for a breach of contract or another agreement 44
between persons. "Tort action" includes, but is not limited to, 45
a product liability claim, as defined in section 2307.71 of the 46
Revised Code, and an asbestos claim, as defined in section 47
2307.91 of the Revised Code, an action for wrongful death under 48

Chapter 2125. of the Revised Code, and an action based on 49
derivative claims for relief. 50

(b) "Residence" has the same meaning as in section 2901.05 51
of the Revised Code. 52

(2) Recovery on a claim for relief in a tort action is 53
barred to any person or the person's legal representative if any 54
of the following apply: 55

(a) The person has been convicted of or has pleaded guilty 56
to a felony, or to a misdemeanor that is an offense of violence, 57
arising out of criminal conduct that was a proximate cause of 58
the injury or loss for which relief is claimed in the tort 59
action. 60

(b) The person engaged in conduct that, if prosecuted, 61
would constitute a felony, a misdemeanor that is an offense of 62
violence, an attempt to commit a felony, or an attempt to commit 63
a misdemeanor that is an offense of violence and that conduct 64
was a proximate cause of the injury or loss for which relief is 65
claimed in the tort action, regardless of whether the person has 66
been convicted of or pleaded guilty to or has been charged with 67
committing the felony, the misdemeanor, or the attempt to commit 68
the felony or misdemeanor. 69

(c) The person suffered the injury or loss for which 70
relief is claimed in the tort action as a proximate result of 71
the victim of conduct that, if prosecuted, would constitute a 72
felony, a misdemeanor that is an offense of violence, an attempt 73
to commit a felony, or an attempt to commit a misdemeanor that 74
is an offense of violence acting against the person in self- 75
defense, defense of another, or defense of the victim's 76
residence, regardless of whether the person has been convicted 77

of or pleaded guilty to or has been charged with committing the 78
felony, the misdemeanor, or the attempt to commit the felony or 79
misdemeanor. Division (B) (2) (c) of this section does not apply 80
if the person who suffered the injury or loss, at the time of 81
the victim's act of self-defense, defense of another, or defense 82
of residence, was an innocent bystander who had no connection 83
with the underlying conduct that prompted the victim's exercise 84
of self-defense, defense of another, or defense of residence. 85

(3) Recovery against a victim of conduct that, if 86
prosecuted, would constitute a felony, a misdemeanor that is an 87
offense of violence, an attempt to commit a felony, or an 88
attempt to commit a misdemeanor that is an offense of violence, 89
on a claim for relief in a tort action is barred to any person 90
or the person's legal representative if conduct the person 91
engaged in against that victim was a proximate cause of the 92
injury or loss for which relief is claimed in the tort action 93
and that conduct, if prosecuted, would constitute a felony, a 94
misdemeanor that is an offense of violence, an attempt to commit 95
a felony, or an attempt to commit a misdemeanor that is an 96
offense of violence, regardless of whether the person has been 97
convicted of or pleaded guilty to or has been charged with 98
committing the felony, the misdemeanor, or the attempt to commit 99
the felony or misdemeanor. 100

(4) Divisions (B) (1) to (3) of this section do not apply 101
to civil claims based upon alleged intentionally tortious 102
conduct, alleged violations of the United States Constitution, 103
or alleged violations of statutes of the United States 104
pertaining to civil rights. For purposes of division (B) (4) of 105
this section, a person's act of self-defense, defense of 106
another, or defense of the person's residence does not 107
constitute intentionally tortious conduct. 108

Section 2. That existing section 2307.60 of the Revised	109
Code is hereby repealed.	110