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H.B. 281
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Seitz and T. Young

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SUMMARY

- Requires that in a civil action for damages for a criminal act, the criminal act must have been 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.
- Repeals current law providing that a court judgment finding an offender guilty of an offense of violence punishable by death or imprisonment exceeding one year, when entered as evidence in a subsequent civil action based on the criminal act, precludes the offender from denying in the civil action any fact essential to sustaining that judgment.

DETAILED ANALYSIS

Civil action for damages for criminal act

The bill modifies current law by providing that 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.¹

The bill also repeals current law that provides that a trial court's final judgement that has not been reversed on appeal or otherwise set aside, nullified, or vacated, entered after a trial or upon a guilty plea, but not upon a plea of no contest or another jurisdiction's equivalent plea, that adjudges an offender guilty of an offense of violence punishable by death or imprisonment exceeding one year, when entered as evidence in a subsequent civil proceeding

¹ R.C. 2307.60(A).

based on the criminal act, precludes the offender from denying in the subsequent civil proceeding any fact essential to sustaining that judgment, unless the offender can demonstrate that extraordinary circumstances prevented the offender from having a full and fair opportunity to litigate the issue in the criminal proceeding or other extraordinary circumstances justify affording the offender an opportunity to relitigate the issue. The offender may introduce evidence of the offender's pending appeal of the trial court's final judgment, if applicable, and the court may consider that evidence in determining the offender's liability.²

HISTORY

Action	Date
Introduced	09-26-23

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² R.C. 2307.60(A)(2).