



Ohio Revised Code

Section 2743.60 Denial of claim or reduction of award of reparations.

Effective: March 2, 2022

Legislation: Senate Bill 36

(A)(1) The attorney general or the court of claims shall not make or order an award of reparations to a claimant if the criminally injurious conduct upon which the claimant bases a claim never was reported to a law enforcement officer or agency.

(2)(a) Except as provided in division (A)(2)(b), (c), or (d) of this section, the attorney general or court of claims shall not make or order an award of reparations to a claimant if the claim is based on criminally injurious conduct that occurred more than three years before the claim was filed or if the claim was denied under the law as it existed prior to the effective date of this amendment.

(b) If the claimant was under twenty-one years of age at the time of the criminally injurious conduct, the claim is not barred under division (A)(2)(a) of this section until after the claimant's twenty-fourth birthday.

(c) If the claim is based on criminally injurious conduct that occurred prior to the effective date of this section and was denied under the law as it existed prior to the effective date of this amendment, the claim is not barred under division (A)(2)(a) of this section and the claimant is eligible to reapply for relief under this section until more than three years have passed since the criminally injurious conduct that gave rise to the claim.

(d) Notwithstanding divisions (A)(2)(a), (b), and (c) of this section, the attorney general is permitted to make an award of reparations at any time for good cause shown.

(B)(1) The attorney general or the court of claims shall not make or order an award of reparations to a claimant if any of the following apply:

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



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

(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 or 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 or 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 because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source. If the award or denial is conditioned upon the recoupment of the claimant's economic loss from a collateral source and it is determined that the claimant did not unreasonably fail to present a



timely claim to the collateral source and will not receive all or part of the expected recoupment, the claim may be reopened and an award may be made in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source.

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

(E)(1) Except as otherwise provided in division (E)(2) of this section, in determining whether to make an award of reparations pursuant to this section, the attorney general or the court of claims shall consider whether there was contributory misconduct by the victim or the claimant. The attorney general or the court of claims shall reduce an award of reparations or deny a claim for an award of reparations to the extent it is determined to be reasonable because of the contributory misconduct of the claimant or the victim.

(2) Notwithstanding division (E)(1) of this section, in determining whether to make an award of reparations pursuant to this section, if the criminally injurious conduct upon which the claim is based resulted in a victim's death, the attorney general and the court of claims shall not consider whether there was contributory misconduct by the deceased victim. The attorney general or the court of claims shall not reduce an award of reparations or deny a claim for an award of reparations based on contributory misconduct of a deceased victim.

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

(G) If a claimant unreasonably fails to present a claim timely to a source of benefits or advantages that would have been a collateral source and that would have reimbursed the claimant for all or a portion of a particular expense, the attorney general or the court of claims may reduce an award of reparations or deny a claim for an award of reparations to the extent that it is reasonable to do so.



(H) Reparations payable to a victim described in division (L)(1) of section 2743.51 of the Revised Code and to all other claimants sustaining economic loss because of injury to or the death of that victim shall not exceed fifty thousand dollars in the aggregate. Reparations payable to a victim described in division (L)(2) of section 2743.51 of the Revised Code shall not exceed five thousand dollars. Reparations payable to a victim described in division (L)(3) of section 2743.51 of the Revised Code shall not exceed fifteen thousand dollars. If the attorney general or the court of claims reduces an award under division (E) of this section, the maximum aggregate amount of reparations payable under this division shall be reduced proportionately to the reduction under division (E) of this section.

(I) Reparations otherwise payable to a victim under this section shall not be payable to the victim during any period that the victim is incarcerated.

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