



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Dennis M. Papp

Sub. H.B. 391

132nd General Assembly
(As Passed by the House)

Reps. Merrin, Manning, Anielski, Antonio, Duffey, Green, Hambley, Holmes, Koehler, Landis, Lang, Leland, Miller, Patton, Pelanda, Perales, Reineke, Rezabek, Riedel, Roegner, Rogers, Romanchuk, Scherer, Schuring, Seitz, Stein, Thompson, Wiggam, Young

BILL SUMMARY

- Expands the definition of economic loss to include accounting and auditing costs incurred to determine the extent of a crime victim's loss for which restitution may be granted.
 - Limits the amount of restitution that may be granted for accounting or auditing costs to a reasonable amount that does not exceed the value of property or services stolen or damaged as a result of the crime.
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CONTENT AND OPERATION

Under existing law, unchanged by the bill, a victim of a crime may receive restitution as part of the offender's sentence based on economic loss that was a direct and proximate result of an offense.¹ As defined in current law, economic loss means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. Noneconomic losses and punitive or exemplary damages are specifically excluded from the definition.²

The bill adds to the definition of economic loss by including accounting and auditing costs that are incurred to determine the extent of the victim's loss. The cost of

¹ R.C. 2929.18(A)(1) and 2929.28(A)(1).

² R.C. 2929.01(L).

accounting or auditing qualifies as economic loss only if the cost is incurred and payable by the victim.³ If a court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs for the auditing or accounting provided that the amount is reasonable and does not exceed the value of property or services stolen or damaged as a result of the crime.⁴

HISTORY

ACTION	DATE
Introduced	10-24-17
Reported, H. Criminal Justice	03-15-18
Passed House (88-0)	06-07-18

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³ *Id.*

⁴ R.C. 2929.18(A)(1) and 2929.28(A)(1).

