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S.B. 53
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Schaffer

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SUMMARY

- Allows for an injured party to bring a civil action against a perpetrator of vandalism, aggravated riot, or riot, allowing the injured party to obtain an order requiring the offender to fix or repair damage to property and to recover other damages.
- Prohibits government officials from taking certain actions with respect to peace officers' arrest authority and from taking punitive actions against employees participating in an investigation of limited arrest authority prohibited by the bill.
- Declares that the intent of the General Assembly is to encourage prosecution of vandalism, riot, and aggravated riot offenses.

DETAILED ANALYSIS

Civil action for vandalism, riot, or aggravated riot

The bill allows any person who suffers injury or loss to person or property from a vandalism, aggravated riot, or riot offense to bring a civil action against any offender who committed the violation and against any person or organization who provided material support or resources with the intent that the material support or resources would be used to perpetuate the offense. The new civil action allows the injured party to obtain an order requiring the offender to fix or repair damage to property that was suffered by the person and to recover other damages.¹

Other damages

In a civil action brought against an offender under the bill, if the person who brings the action proves that the offender's conduct constituting vandalism, aggravated riot, or riot or that

¹ R.C. 2307.70(A)(2)(a).

the conduct of any person in the commission of any of those offenses that occurred at the same time as, was part of a common scheme or plan with, or was part of a course of criminal conduct with, the offender's conduct constituting vandalism, aggravated riot, or riot was a proximate cause of damage to property that the person suffered, there is a presumption that the offender be required to fix or repair damage to property that occurred as a proximate result of that conduct. The presumption applies with respect to each item of property that suffered damage as a proximate result of that conduct.²

Rebutting the presumption

The presumption does not apply with respect to a particular item of property, and the court is not permitted to issue an order requiring the offender to fix or repair damage to that item of property that occurred if the offender proves, by clear and convincing evidence, that the offender did not personally engage in vandalism, aggravated riot, or riot that was a proximate cause of the damage to that item of property.³

Order to fix or repair and other damages

When the presumption described above applies, the court must issue an order requiring the offender to fix or repair the damage to property that occurred as a proximate result of the vandalism, aggravated riot, or riot by either of the following, as determined by the court: (1) personally fixing or repairing the damage to the property that occurred as a proximate result of the conduct, to the extent practicable, or (2) paying the cost of fixing or repairing damage to the property that occurred as a proximate result of the conduct.

In addition to an order to fix or repair the damage, the person who brings the action may recover full compensatory damages, including damages for emotional distress, and may recover court costs as well as other reasonable expenses and the reasonable attorney's fees incurred in maintaining that action.⁴

Restrictions on government officials

The bill also prohibits government officials from taking the certain actions with respect to peace officers' arrest authority and from taking punitive actions against employees participating in an investigation of limited arrest authority prohibited by the bill.

Limiting arrest authority

The bill prohibits a government official with authority over any law enforcement agency or peace officer from limiting or restricting the authority of the agency to have its peace officers, or certain designated peace officers of the agency, arrest or detain individuals involved in a riot or vandalism activity or take action to quell a riot or vandalism activity, and from limiting or restricting the authority of the officers, or certain designated officers, to arrest or detain

² R.C. 2307.70(A)(2)(b)(i).

³ R.C. 2307.70(A)(2)(b)(ii)

⁴ R.C. 2307.70(A)(2)(b)(iii), (c), and (d)(i).

individuals involved in a riot or vandalism activity or to take action to quell a riot or vandalism activity.⁵

Punitive actions against employees participating in an investigation of limited arrest authority

The bill also prohibits a government official, law enforcement agency, or peace officer from discharging, demoting, reassigning, or taking any punitive action against any employee because the employee made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing regarding a violation of the bill's prohibition in "**Limiting arrest authority**," above.⁶

Provisions applicable to a civil action under the bill

The bill extends the following provisions, applicable to civil actions for desecration, ethnic intimidation, and vandalism under continuing law, to actions under the bill:

- A waiver of the continuing law monetary limitation on compensatory damage awards against parents for certain actions taken by their children.⁷
- A stipulation that an action may be maintained, whether or not the person who committed the criminal act has been charged, convicted, or adjudicated a delinquent child.⁸
- A requirement that no record of conviction, unless obtained by confession in open court, or delinquent child adjudication is to be used as evidence in such a civil action.⁹

Intent

The bill declares that the intent of the General Assembly is to encourage prosecution of vandalism, aggravated riot, or riot.¹⁰

Definitions

The bill defines the following terms:

Material support or resources means currency, payment instruments, other financial securities, funds, transfer of funds, financial services, communications, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons,

⁵ R.C. 2307.70(C)(1).

⁶ R.C. 2307.70(C)(2).

⁷ R.C. 2307.70(D).

⁸ R.C. 2307.70(E).

⁹ R.C. 2307.70(F).

¹⁰ R.C. 309.081.

lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.¹¹

Government entity means this state, a state agency as defined in existing law, a political subdivision, or any entity of local government.¹²

Government official means any elected or appointed officer, employee, or agent of a government entity, other than a peace officer, whether in a temporary or permanent capacity.¹³

Law enforcement agency means a government entity that employs peace officers to perform law enforcement duties.¹⁴

Peace officer means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, or township constable, who is employed by a political subdivision of this state; a member of a police force employed by a metropolitan housing authority, a member of a police force employed by a regional transit authority, a state university law enforcement officer, a veterans' home police officer, a special police officer employed by a port authority, an officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within limits of that statutory duty and authority, or a state highway patrol trooper whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws, ordinances, or rules of the state or any of its political subdivisions.¹⁵

Riot or vandalism activity means any conduct that is a violation of the offenses of vandalism, aggravated riot, or riot or any violation of a municipal ordinance that is substantially equivalent.¹⁶

HISTORY

Action	Date
Introduced	01-28-25

ANSB0053IN-136/ts

¹¹ R.C. 2307.70(A)(2)(d)(ii), by reference to R.C. 2909.21, not in the bill.

¹² R.C. 2307.70(C)(3)(a).

¹³ R.C. 2307.70(C)(3)(b).

¹⁴ R.C. 2307.70(C)(3)(c).

¹⁵ R.C. 2307.70(C)(3)(d), by reference to R.C. 2921.51, not in the bill.

¹⁶ R.C. 2307.70(C)(3)(e).