

## **CHANGES IN CRIMINAL RESTITUTION AWARDS FOR ECONOMIC LOSS**

The Ohio General Assembly has sent legislation to Governor Taft to modify the criminal restitution awards law that went into effect earlier this year. It is expected that Governor Taft will approve the bill. The legislation clarifies some provisions of the earlier legislation and revokes provisions which would cause problems with the civil justice system.

The legislation limits the authority of municipal and traffic courts to impose restitution remedies. Restitution may not be awarded in minor misdemeanor traffic offense cases. In juvenile traffic cases there is no restitution if the offense was a minor misdemeanor if committed by an adult.

In situations where restitution is proper, such as in felony cases, the court may award economic loss restitution only. An evidentiary hearing will be held, and the burden of proof on economic loss will be upon the victim. Any restitution award shall be deducted or credited to any award in a civil case.

This legislation should remove just about all traffic violations from the restitution law. Issues such as insurance coverage for restitution claims and whether the guilty finding or a restitution order is admissible in a later civil case are still unanswered.

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