



## Ohio Revised Code Section 2929.281 Restitution.

Effective: July 7, 2023

Legislation: Senate Bill 16

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(A) In determining the amount of restitution at the time of sentencing under this section, the court shall order full restitution for any expenses related to a victim's economic loss due to the criminal offense. The amount of restitution shall be reduced by any payments to the victim for economic loss made or due under a policy of insurance or governmental program.

Economic loss includes, but is not limited to, the following:

(1) Full or partial payment for the value of stolen or damaged property. The value of stolen or damaged property shall be the replacement cost of the property or the actual cost of repairing the property when repair is possible.

(2) Medical expenses;

(3) Mental health counseling expenses;

(4) Wages or profits lost due to injury or harm to the victim as determined by the court. Lost wages include commission income as well as base wages. Commission income shall be established by evidence of commission income during the twelve-month period prior to the date of the crime for which restitution is being ordered, unless good cause for a shorter time period is shown.

(5) Expenses related to making a vehicle or residence accessible to the victim if the victim is partially permanently disabled or totally permanently disabled as a direct result of the crime.

(B) Upon notification by the court, if provided, money owed by the state or by a political subdivision of the state to an offender who is required to make restitution under this section, including any tax refund owed to the offender, shall be assigned to the discharge of the offender's outstanding restitution obligation, subject to any superseding federal statutes or regulations, including court-ordered support obligations.



(C) If an offender is required to make restitution under this section in the form of monetary payments to more than one victim, the offender shall make the payments to the victims in the following order of priority:

- (1) Individuals;
- (2) Nonprofit organizations;
- (3) Business entities;
- (4) Governmental entities.

(D) A court that imposes restitution on an offender as part of the offender's sentence under this section shall not suspend that part of the offender's sentence if the victim or the victim's attorney, if applicable, objects to the suspension of the restitution part of the sentence.

(E) Pursuant to division (D) of section 2929.18 and division (E) of section 2929.28 of the Revised Code, a court order for restitution imposed under this section may be reduced to a certificate of judgment in favor of the victim. If the order is reduced to such a judgment, the person required to pay the restitution under the order is the judgment debtor.

(F) The supreme court shall create a standardized form to be made publicly available that provides guidance for victims and victims' representatives regarding the compilation of evidence to demonstrate losses for the purpose of this section.

(G) On the request of the victim, if a judge determines that, under the circumstances, it is appropriate and the victim has not been coerced, a victim may accept a settlement that is less than the full restitution order.