



Fact Sheet Series for the 134th General Assembly

House Bill 199 Remove Damage Cap for Noneconomic Loss for Rape Victims

Sponsors: Representative Kristin Boggs, Representative Allison Russo
Introduced: 3/10/21
Committee: House Civil Justice Committee

Under Current Law:

O.R.C. 2315.18 limits compensatory damages for noneconomic loss that is recoverable in a tort action:

- Must not exceed \$250,000 or an amount that is equal to 3x the economic loss of the plaintiff, with a maximum of \$350,000 for each plaintiff in the action of \$500,000 for each occurrence

However, there is no limit if the noneconomic losses are for:

- Permanent and substantial physical deformity, *or* permanent physical functional injury that permanently prevents the person from being able to independently care for self

This Bill Would:

Provide an additional **exception to the limitation** on the amount of compensatory damages that represents damages for noneconomic losses for:

- Victims of rape, felonious assault, aggravated assault, assault, or negligent assault.

Why This Legislation is Important:

- Without this bill, survivors of sexual assault will continue to be stripped of millions of dollars in damages. All forms of sexual violence – rape, sexual assault, sexual abuse, and more – can cause life-altering and long-term injuries and emotional and psychological impacts on survivors.
- Allowing defendants protection through monetary caps on compensatory damages for noneconomic losses is counterproductive to promoting change and restoring fairness in the civil legal system. When survivors are told they are not entitled to what a jury has valued their trauma to be worth, their experience is minimized – which can contribute to re-traumatization.¹

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¹ *Reevaluating the Consequences of Damage Caps for Rape and Sexual Assault Survivors in Ohio*, GBM Law: Blog, <https://protectingohio.com/blog/reevaluating-the-consequences-of-damage-caps-for-rape-and-sexual-assault-survivors-in-ohio/>

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