

ORDINANCE NO. 52-82

By *J. H. Hest*

An ordinance to appropriate funds for medical assistance for victims of crime and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Section 2907.28, Revised Code of Ohio provides that any cost incurred by a hospital or emergency medical facility in conducting examinations under Sections 2907.02 to 2907.06 or Section 2907.12 Revised Code for the purpose of gathering physical evidence for possible prosecution shall be charged and paid by the appropriate local government.

Section 2. That the City of Bexley has incurred such medical expenses as the result of investigations by the Bexley Police Department which qualify under the authority of said section.

Section 3. That the sum of \$500.00 is hereby appropriated and set aside from the unencumbered General Fund to be used to pay such expenses as they are incurred in the cause of police investigations.

Section 4. That this Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health, and safety and this Ordinance shall go into force and effect upon its passage and approval by the Mayor.

Passed: Oct 26, 1982.

Paul H. Hest
President of Council

Attest:

J. H. Hest
Clerk of Council

*Oct 26, 1982 - First reading
Rules suspended
Adopted*

Approved: Oct 26, 1982.

Paul H. Hest
Mayor

Copy to: Chief
David B.
Bob Cull

403 N. Cassady Avenue
Columbus, Ohio 43209
October 8, 1982

Mr. David Madison, Mayor
Municipal Building
2240 E. Main Street
Bexley, Ohio 43209

Dear Mr. Madison:

Enclosed you will find copies of the bills which I have received from Children's Hospital regarding Shad's examination following the incident at Jeffrey Park. Also, enclosed you will find a copy of Section 2907.28 of the Ohio Revised Code which states that medical bills of this nature are to be paid by the municipality where the crime occurred.

Accordingly, would you please see to it that these bills are paid within 30 days.

If you have any questions, please feel free to call me.

Very truly yours,

Shirley K. Smith

Shirley K. Smith
466-1730
252-6950

Enclosures

RECEIVED
10/11/82

Text Discussion

Character of accused, sex-related crimes. Ohio Ev § 404.7
Competency. Ohio Ev Ch 601

Comparative Legislation**Rules of evidence:**

CA—Penal Code § 1108
FL—Stat Ann § 796.07
IN—Code § 35-30-3-3
KY—Rev Stat Ann § 529.060
MI—Comp Laws Ann § 750.461
NY—Penal Law § 230.07

Research Aids

Admissibility of evidence of reputation and prior convictions:

O-Jur3d: Crim L §§ 1895, 1896
Am-Jur2d: Prostit §§ 14, 15

ALR

Admissibility, in prosecution for sexual offense, of evidence of other similar offenses. 77 ALR2d 841.

§ 2907.27 Examination and treatment for venereal disease.

(A) When a person is charged with a violation of section 2907.02, 2907.03, 2907.04, 2907.24, or 2907.25 of the Revised Code, the arresting authorities or a court shall cause the accused to be examined by a physician to determine if the accused is suffering from a venereal disease.

(B) If the accused is found to be suffering from a venereal disease in an infectious stage, he or she shall be required to submit to medical treatment therefor [therefor]. If the accused is found guilty of the offense with which he or she is charged and is placed on probation, a condition of probation shall be that the offender submit to and faithfully follow a course of medical treatment for such venereal disease.

(C) The fact that the accused was given a medical examination for venereal disease or the results of such examination shall not be admitted in evidence over the objection of the accused, in a prosecution for any offense listed in division (A) of this section.

HISTORY: 134 v H 511, Eff 1-1-74.

Not analogous to former RC § 2907.27 (GC § 12445-5; 117 v 821; Bureau of Code Revision, 10-1-53), repealed 134 v H 511, § 2, eff 1-1-74.

Analogous to former RC § 2905.25 (GC § 13031-17; 105 v Pt 1 730; 115 v 301; Bureau of Code Revision, 10-1-53; 130 v Pt 2, 144), repealed 134 v H 511, § 2, eff 1-1-74.

The effective date of H 511 is set by section 4 of the act.

Committee Comment to H 511

This section retains a former measure requiring that persons charged with certain prostitution offenses be subjected to an examination for venereal disease and compelled to submit to treatment if infected.

On the theory that revelations as to any such examination or treatment could amount to compulsory self-

incrimination, the section adds a privilege against the evidentiary use of such information.

Comparative Legislation

Venereal disease: C

NY—Public Health Law § 2302

PA—CSA tit 35 § 521.8

Research Aids

Examination and treatment of accused for venereal disease:

O-Jur3d: Crim L §§ 1893, 1906

ALR

Police power as authorizing legislation requiring arrested person to submit to physical examination for control of venereal diseases. 25 ALR2d 1415.

[MEDICAL ASSISTANCE FOR VICTIMS]

§ 2907.28 [Cost incurred in medical examination.]

Any cost incurred by a hospital or other emergency medical facility in conducting a medical examination of a victim of an offense under sections 2907.02 to 2907.06 or section 2907.12 of the Revised Code for the purpose of gathering physical evidence for a possible prosecution shall be charged to and paid by the appropriate local government as follows:

(A) Cost incurred by a county facility shall be charged to and paid by the county;

(B) Cost incurred by a municipal facility shall be charged to and paid by the municipality;

(C) Cost incurred by a private facility shall be charged to and paid by the municipality in which the alleged offense was committed, or charged to and paid by the county, if committed within an unincorporated area. If separate counts of an offense or separate offenses under sections 2907.02 to 2907.06 or section 2907.12 of the Revised Code took place in more than one municipality or more than one unincorporated area, or both, the local governments shall share the cost of the examination.

HISTORY: 136 v S 144, Eff 8-27-75.

Not analogous to former RC § 2907.28 (GC § 12445-6; 117 v 821; Bureau of Code Revision, 10-1-53), repealed 134 v H 511, § 2, eff 1-1-74.

Research Aids

Medical examination of victims:

O-Jur3d: Crim L § 1905

CASE NOTES AND OAG

1. (1980) A private corporation which provides examinations of sexual assault victims at the emergency room center of a county hospital for the purpose of gathering evidence for possible prosecution, and which does not charge the hospital for such services, constitutes a "private facility" as that term is used in RC § 2907.28(C). Pursuant to RC § 2907.28(C), the costs incurred by this private facility are to be charged to the municipality wherein the alleged assault occurred, or to the county if the alleged assault was committed within an unincorporated area. OAG No. 80-021.

PEDIATRIC ACADEMIC
ASSOCIATION, INC.
545 S. 18TH ST. SUITE 333
COLUMBUS, OH 43205

IF YOU HAVE QUESTIONS REGARDING YOUR ACCOUNT
PLEASE CALL OUR ACCOUNT REPRESENTATIVE:
464-3760.

REFER TO THIS NUMBER
ON ALL CORRESPONDENCE

STATEMENT OF ACCOUNT
PLEASE WRITE CORRECTION ABOVE IF NAME OR
ADDRESS SHOWN BELOW IS INCORRECT

614-464-3760
OFFICE PHONE NUMBER

11-45259
ACCOUNT NO

30.00
AMOUNT DUE

93082
MO DAY YR
STATEMENT DATE

1
PAGE

SHIRLEY SMITH
403 N CASSADY AVE
COLUMBUS OH 43209

PEDIATRIC ACADEMIC
ASSOCIATION, INC.
DEPT I-289
COLUMBUS OH 43260

AMOUNT
PAID

DATE
PAID

PHONE 614-252-6950

DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT IN THE ENVELOPE PROVIDED. RETAIN BOTTOM PORTION.

DATE	DESCRIPTION	AMOUNT	PAID
8 25 82	J CARDENAS MD		
	PREVIOUS BALANCE	0.00	
	** SHAD M.H 11-45-25-9		
	E.R.SVC. PHYSICIAN CHG SHAD	30.00	
ALL BILLS ARE PAYABLE IN 30 DAYS.			

ACCOUNT NO	DATE	30 DAYS PAST DUE	60 DAYS PAST	90 DAYS PAST	CURRENT	AMOUNT DUE
11-45259	09/30/82				30.00	30.00

INTEREST ON PAYMENTS IS CHARGED ON YOUR ACCOUNT AFTER 30 DAYS.
LAST DATE SHOWN ABOVE ARE NOT INCLUDED IN THE FINANCE CHARGE.

PEDIATRIC ACADEMIC

COLUMBUS OH 43260

43205

FEDERAL IDENTIFICATION NUMBER 39-43784-011

DIAGNOSIS -
TRAUMA

"COPY OF STATEMENT SENT TO YOUR
INSURANCE COMPANY, WITH ASSIGNMENTS
PAYABLE TO CHILDREN'S HOSPITAL
WHEN THEY REMIT YOU WILL BE ADVISED
OF PAYMENT MADE AND BALANCE DUE."