

H. B. No. 391  
As Introduced

**Topic:** Cap on amount of restitution for accounting costs 1

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections"; 2  
after "2929.01" insert ", 2929.18, and 2929.28" 3

In line 6, delete "section" and insert "sections"; after 4  
"2929.01" insert ", 2929.18, and 2929.28" 5

After line 444, insert: 6

"Sec. 2929.18. (A) Except as otherwise provided in this 7  
division and in addition to imposing court costs pursuant to 8  
section 2947.23 of the Revised Code, the court imposing a 9  
sentence upon an offender for a felony may sentence the offender 10  
to any financial sanction or combination of financial sanctions 11  
authorized under this section or, in the circumstances specified 12  
in section 2929.32 of the Revised Code, may impose upon the 13  
offender a fine in accordance with that section. Financial 14  
sanctions that may be imposed pursuant to this section include, 15  
but are not limited to, the following: 16



(1) Restitution by the offender to the victim of the  
offender's crime or any survivor of the victim, in an amount  
based on the victim's economic loss. If the court imposes  
restitution, the court shall order that the restitution be made  
to the victim in open court, to the adult probation department  
that serves the county on behalf of the victim, to the clerk of  
courts, or to another agency designated by the court. If the  
court imposes restitution, at sentencing, the court shall  
determine the amount of restitution to be made by the offender.  
If the court imposes restitution, the court may base the amount  
of restitution it orders on an amount recommended by the victim,  
the offender, a presentence investigation report, estimates or  
receipts indicating the cost of repairing or replacing property,  
and other information, provided that the amount the court orders  
as restitution shall not exceed the amount of the economic loss  
suffered by the victim as a direct and proximate result of the  
commission of the offense. Restitution for the cost of  
accounting done to determine the extent of economic loss shall  
not exceed the value of property or services stolen or damaged  
as a result of the offense. If the court decides to impose  
restitution, the court shall hold a hearing on restitution if  
the offender, victim, or survivor disputes the amount. All  
restitution payments shall be credited against any recovery of  
economic loss in a civil action brought by the victim or any  
survivor of the victim against the offender.

If the court imposes restitution, the court may order that  
the offender pay a surcharge of not more than five per cent of  
the amount of the restitution otherwise ordered to the entity  
responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in

the case file a motion, or the offender may file a motion, for  
modification of the payment terms of any restitution ordered. If  
the court grants the motion, it may modify the payment terms as  
it determines appropriate.

(2) Except as provided in division (B) (1), (3), or (4) of  
this section, a fine payable by the offender to the state, to a  
political subdivision, or as described in division (B) (2) of  
this section to one or more law enforcement agencies, with the  
amount of the fine based on a standard percentage of the  
offender's daily income over a period of time determined by the  
court and based upon the seriousness of the offense. A fine  
ordered under this division shall not exceed the maximum  
conventional fine amount authorized for the level of the offense  
under division (A) (3) of this section.

(3) Except as provided in division (B) (1), (3), or (4) of  
this section, a fine payable by the offender to the state, to a  
political subdivision when appropriate for a felony, or as  
described in division (B) (2) of this section to one or more law  
enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty  
thousand dollars;

(b) For a felony of the second degree, not more than  
fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten  
thousand dollars;

(d) For a felony of the fourth degree, not more than five  
thousand dollars;

(e) For a felony of the fifth degree, not more than two

thousand five hundred dollars.	75
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	76 77
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	78 79 80
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	81 82 83
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	84 85 86 87 88 89 90
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	91 92 93 94 95
(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative	96 97 98 99 100 101 102 103

authority, or other local governmental entity requires prisoners 104  
to reimburse the county, municipal corporation, or other entity 105  
for its expenses incurred by reason of the prisoner's 106  
confinement, and if the court does not impose a financial 107  
sanction under division (A) (5) (a) (ii) of this section, 108  
confinement costs may be assessed pursuant to section 2929.37 of 109  
the Revised Code. In addition, the offender may be required to 110  
pay the fees specified in section 2929.38 of the Revised Code in 111  
accordance with that section. 112

(c) Reimbursement by the offender for costs pursuant to 113  
section 2929.71 of the Revised Code. 114

(B) (1) For a first, second, or third degree felony 115  
violation of any provision of Chapter 2925., 3719., or 4729. of 116  
the Revised Code, the sentencing court shall impose upon the 117  
offender a mandatory fine of at least one-half of, but not more 118  
than, the maximum statutory fine amount authorized for the level 119  
of the offense pursuant to division (A) (3) of this section. If 120  
an offender alleges in an affidavit filed with the court prior 121  
to sentencing that the offender is indigent and unable to pay 122  
the mandatory fine and if the court determines the offender is 123  
an indigent person and is unable to pay the mandatory fine 124  
described in this division, the court shall not impose the 125  
mandatory fine upon the offender. 126

(2) Any mandatory fine imposed upon an offender under 127  
division (B) (1) of this section and any fine imposed upon an 128  
offender under division (A) (2) or (3) of this section for any 129  
fourth or fifth degree felony violation of any provision of 130  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 131  
to law enforcement agencies pursuant to division (F) of section 132  
2925.03 of the Revised Code. 133

(3) For a fourth degree felony OVI offense and for a third degree felony OVI offense, the sentencing court shall impose upon the offender a mandatory fine in the amount specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever is applicable. The mandatory fine so imposed shall be disbursed as provided in the division pursuant to which it is imposed.

(4) Notwithstanding any fine otherwise authorized or required to be imposed under division (A)(2) or (3) or (B)(1) of this section or section 2929.31 of the Revised Code for a violation of section 2925.03 of the Revised Code, in addition to any penalty or sanction imposed for that offense under section 2925.03 or sections 2929.11 to 2929.18 of the Revised Code and in addition to the forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code, the court that sentences an offender for a violation of section 2925.03 of the Revised Code may impose upon the offender a fine in addition to any fine imposed under division (A)(2) or (3) of this section and in addition to any mandatory fine imposed under division (B)(1) of this section. The fine imposed under division (B)(4) of this section shall be used as provided in division (H) of section 2925.03 of the Revised Code. A fine imposed under division (B)(4) of this section shall not exceed whichever of the following is applicable:

(a) The total value of any personal or real property in which the offender has an interest and that was used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of section 2925.03 of the Revised Code, including any property that constitutes proceeds derived from that offense;

(b) If the offender has no interest in any property of the type described in division (B) (4) (a) of this section or if it is not possible to ascertain whether the offender has an interest in any property of that type in which the offender may have an interest, the amount of the mandatory fine for the offense imposed under division (B) (1) of this section or, if no mandatory fine is imposed under division (B) (1) of this section, the amount of the fine authorized for the level of the offense imposed under division (A) (3) of this section.

(5) Prior to imposing a fine under division (B) (4) of this section, the court shall determine whether the offender has an interest in any property of the type described in division (B) (4) (a) of this section. Except as provided in division (B) (6) or (7) of this section, a fine that is authorized and imposed under division (B) (4) of this section does not limit or affect the imposition of the penalties and sanctions for a violation of section 2925.03 of the Revised Code prescribed under those sections or sections 2929.11 to 2929.18 of the Revised Code and does not limit or affect a forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code.

(6) If the sum total of a mandatory fine amount imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code under division (B) (1) of this section plus the amount of any fine imposed under division (B) (4) of this section does not exceed the maximum statutory fine amount authorized for the level of the offense under division (A) (3) of this section or section 2929.31 of the Revised Code, the court may impose a fine for the offense in addition to the mandatory fine and the fine imposed under division (B) (4) of

this section. The sum total of the amounts of the mandatory fine, the fine imposed under division (B) (4) of this section, and the additional fine imposed under division (B) (6) of this section shall not exceed the maximum statutory fine amount authorized for the level of the offense under division (A) (3) of this section or section 2929.31 of the Revised Code. The clerk of the court shall pay any fine that is imposed under division (B) (6) of this section to the county, township, municipal corporation, park district as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender pursuant to division (F) of section 2925.03 of the Revised Code.

(7) If the sum total of the amount of a mandatory fine imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code plus the amount of any fine imposed under division (B) (4) of this section exceeds the maximum statutory fine amount authorized for the level of the offense under division (A) (3) of this section or section 2929.31 of the Revised Code, the court shall not impose a fine under division (B) (6) of this section.

(8) (a) If an offender who is convicted of or pleads guilty to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the sentencing court shall



sentence the offender to a financial sanction of restitution by	224
the offender to the victim or any survivor of the victim, with	225
the restitution including the costs of housing, counseling, and	226
medical and legal assistance incurred by the victim as a direct	227
result of the offense and the greater of the following:	228
(i) The gross income or value to the offender of the	229
victim's labor or services;	230
(ii) The value of the victim's labor as guaranteed under	231
the minimum wage and overtime provisions of the "Federal Fair	232
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and	233
state labor laws.	234
(b) If a court imposing sentence upon an offender for a	235
felony is required to impose upon the offender a financial	236
sanction of restitution under division (B) (8) (a) of this	237
section, in addition to that financial sanction of restitution,	238
the court may sentence the offender to any other financial	239
sanction or combination of financial sanctions authorized under	240
this section, including a restitution sanction under division	241
(A) (1) of this section.	242
(9) In addition to any other fine that is or may be	243
imposed under this section, the court imposing sentence upon an	244
offender for a felony that is a sexually oriented offense or a	245
child-victim oriented offense, as those terms are defined in	246
section 2950.01 of the Revised Code, may impose a fine of not	247
less than fifty nor more than five hundred dollars.	248
(10) For a felony violation of division (A) of section	249
2921.321 of the Revised Code that results in the death of the	250
police dog or horse that is the subject of the violation, the	251
sentencing court shall impose upon the offender a mandatory fine	252

from the range of fines provided under division (A) (3) of this section for a felony of the third degree. A mandatory fine imposed upon an offender under division (B) (10) of this section shall be paid to the law enforcement agency that was served by the police dog or horse that was killed in the felony violation of division (A) of section 2921.321 of the Revised Code to be used as provided in division (E) (1) (b) of that section.

(11) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for any of the following offenses that is a felony may impose a fine of not less than seventy nor more than five hundred dollars, which shall be transmitted to the treasurer of state to be credited to the address confidentiality program fund created by section 111.48 of the Revised Code:

- (a) Domestic violence;
- (b) Menacing by stalking;
- (c) Rape;
- (d) Sexual battery;
- (e) Trafficking in persons;

(f) A violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender also is convicted of a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking.

(C) (1) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon

the offender pursuant to division (A) (5) (a) of this section to 281  
pay the costs incurred by a county pursuant to any sanction 282  
imposed under this section or section 2929.16 or 2929.17 of the 283  
Revised Code or in operating a facility used to confine 284  
offenders pursuant to a sanction imposed under section 2929.16 285  
of the Revised Code to the county treasurer. The county 286  
treasurer shall deposit the reimbursements in the sanction cost 287  
reimbursement fund that each board of county commissioners shall 288  
create in its county treasury. The county shall use the amounts 289  
deposited in the fund to pay the costs incurred by the county 290  
pursuant to any sanction imposed under this section or section 291  
2929.16 or 2929.17 of the Revised Code or in operating a 292  
facility used to confine offenders pursuant to a sanction 293  
imposed under section 2929.16 of the Revised Code. 294

(2) Except as provided in section 2951.021 of the Revised 295  
Code, the offender shall pay reimbursements imposed upon the 296  
offender pursuant to division (A) (5) (a) of this section to pay 297  
the costs incurred by a municipal corporation pursuant to any 298  
sanction imposed under this section or section 2929.16 or 299  
2929.17 of the Revised Code or in operating a facility used to 300  
confine offenders pursuant to a sanction imposed under section 301  
2929.16 of the Revised Code to the treasurer of the municipal 302  
corporation. The treasurer shall deposit the reimbursements in a 303  
special fund that shall be established in the treasury of each 304  
municipal corporation. The municipal corporation shall use the 305  
amounts deposited in the fund to pay the costs incurred by the 306  
municipal corporation pursuant to any sanction imposed under 307  
this section or section 2929.16 or 2929.17 of the Revised Code 308  
or in operating a facility used to confine offenders pursuant to 309  
a sanction imposed under section 2929.16 of the Revised Code. 310

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A) (5) (a) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code to the provider.

(D) Except as otherwise provided in this division, a financial sanction imposed pursuant to division (A) or (B) of this section is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A) (5) (a) (ii) of this section upon an offender who is incarcerated in a state facility or a municipal jail is a judgment in favor of the state or the municipal corporation, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed upon an offender pursuant to this section for costs incurred by a private provider of sanctions is a judgment in favor of the private provider, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of a mandatory fine imposed under division (B) (10) of this section that is required under that division to be paid to a law enforcement agency is a judgment in favor of the specified law enforcement agency, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A) (1) or (B) (8) of this section is an order in favor of the victim of the offender's criminal act that can be collected through a certificate of judgment as described in division (D) (1) of this section, through execution as described in division (D) (2) of

this section, or through an order as described in division (D) 342  
 (3) of this section, and the offender shall be considered for 343  
 purposes of the collection as the judgment debtor. Imposition of 344  
 a financial sanction and execution on the judgment does not 345  
 preclude any other power of the court to impose or enforce 346  
 sanctions on the offender. Once the financial sanction is 347  
 imposed as a judgment or order under this division, the victim, 348  
 private provider, state, or political subdivision may do any of 349  
 the following: 350

(1) Obtain from the clerk of the court in which the 351  
 judgment was entered a certificate of judgment that shall be in 352  
 the same manner and form as a certificate of judgment issued in 353  
 a civil action; 354

(2) Obtain execution of the judgment or order through any 355  
 available procedure, including: 356

(a) An execution against the property of the judgment 357  
 debtor under Chapter 2329. of the Revised Code; 358

(b) An execution against the person of the judgment debtor 359  
 under Chapter 2331. of the Revised Code; 360

(c) A proceeding in aid of execution under Chapter 2333. 361  
 of the Revised Code, including: 362

(i) A proceeding for the examination of the judgment 363  
 debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 364  
 2333.27 of the Revised Code; 365

(ii) A proceeding for attachment of the person of the 366  
 judgment debtor under section 2333.28 of the Revised Code; 367

(iii) A creditor's suit under section 2333.01 of the 368  
 Revised Code. 369

(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	370 371
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	372 373
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	374 375
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	376 377 378 379
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	380 381 382 383 384 385 386 387 388 389 390 391 392
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial sanctions imposed pursuant to this section or section 2929.32 of	393 394 395 396 397 398

the Revised Code that have not been paid. 399

(H) No financial sanction imposed under this section or 400  
section 2929.32 of the Revised Code shall preclude a victim from 401  
bringing a civil action against the offender. 402

**Sec. 2929.28.** (A) In addition to imposing court costs 403  
pursuant to section 2947.23 of the Revised Code, the court 404  
imposing a sentence upon an offender for a misdemeanor, 405  
including a minor misdemeanor, may sentence the offender to any 406  
financial sanction or combination of financial sanctions 407  
authorized under this section. If the court in its discretion 408  
imposes one or more financial sanctions, the financial sanctions 409  
that may be imposed pursuant to this section include, but are 410  
not limited to, the following: 411

(1) Unless the misdemeanor offense is a minor misdemeanor 412  
or could be disposed of by the traffic violations bureau serving 413  
the court under Traffic Rule 13, restitution by the offender to 414  
the victim of the offender's crime or any survivor of the 415  
victim, in an amount based on the victim's economic loss. The 416  
court may not impose restitution as a sanction pursuant to this 417  
division if the offense is a minor misdemeanor or could be 418  
disposed of by the traffic violations bureau serving the court 419  
under Traffic Rule 13. If the court requires restitution, the 420  
court shall order that the restitution be made to the victim in 421  
open court or to the adult probation department that serves the 422  
jurisdiction or the clerk of the court on behalf of the victim. 423

If the court imposes restitution, the court shall 424  
determine the amount of restitution to be paid by the offender. 425  
If the court imposes restitution, the court may base the amount 426  
of restitution it orders on an amount recommended by the victim, 427  
the offender, a presentence investigation report, estimates or 428

receipts indicating the cost of repairing or replacing property, 429  
and other information, provided that the amount the court orders 430  
as restitution shall not exceed the amount of the economic loss 431  
suffered by the victim as a direct and proximate result of the 432  
commission of the offense. Restitution for the cost of 433  
accounting done to determine the extent of economic loss shall 434  
not exceed the value of property or services stolen or damaged 435  
as a result of the offense. If the court decides to impose 436  
restitution, the court shall hold an evidentiary hearing on 437  
restitution if the offender, victim, or survivor disputes the 438  
amount of restitution. If the court holds an evidentiary 439  
hearing, at the hearing the victim or survivor has the burden to 440  
prove by a preponderance of the evidence the amount of 441  
restitution sought from the offender. 442

All restitution payments shall be credited against any 443  
recovery of economic loss in a civil action brought by the 444  
victim or any survivor of the victim against the offender. No 445  
person may introduce evidence of an award of restitution under 446  
this section in a civil action for purposes of imposing 447  
liability against an insurer under section 3937.18 of the 448  
Revised Code. 449

If the court imposes restitution, the court may order that 450  
the offender pay a surcharge, of not more than five per cent of 451  
the amount of the restitution otherwise ordered, to the entity 452  
responsible for collecting and processing restitution payments. 453

The victim or survivor may request that the prosecutor in 454  
the case file a motion, or the offender may file a motion, for 455  
modification of the payment terms of any restitution ordered. If 456  
the court grants the motion, it may modify the payment terms as 457  
it determines appropriate. 458



(2) A fine of the type described in divisions (A) (2) (a)	459
and (b) of this section payable to the appropriate entity as	460
required by law:	461
(a) A fine in the following amount:	462
(i) For a misdemeanor of the first degree, not more than	463
one thousand dollars;	464
(ii) For a misdemeanor of the second degree, not more than	465
seven hundred fifty dollars;	466
(iii) For a misdemeanor of the third degree, not more than	467
five hundred dollars;	468
(iv) For a misdemeanor of the fourth degree, not more than	469
two hundred fifty dollars;	470
(v) For a minor misdemeanor, not more than one hundred	471
fifty dollars.	472
(b) A state fine or cost as defined in section 2949.111 of	473
the Revised Code.	474
(3) (a) Reimbursement by the offender of any or all of the	475
costs of sanctions incurred by the government, including, but	476
not limited to, the following:	477
(i) All or part of the costs of implementing any community	478
control sanction, including a supervision fee under section	479
2951.021 of the Revised Code;	480
(ii) All or part of the costs of confinement in a jail or	481
other residential facility, including, but not limited to, a per	482
diem fee for room and board, the costs of medical and dental	483
treatment, and the costs of repairing property damaged by the	484
offender while confined;	485

(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.

(b) The amount of reimbursement ordered under division (A) (3) (a) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division. If the court does not order reimbursement under that division, confinement costs may be assessed pursuant to a repayment policy adopted under section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(B) If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed pursuant to this section or court costs or is likely in the future to be able to pay the sanction or costs.

If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in

addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (D) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. If a person fails to pay a financial sanction or court costs, the court may order community service in lieu of the financial sanction or court costs.

(C) (1) The offender shall pay reimbursements imposed upon the offender pursuant to division (A) (3) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the county's general fund. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code.

(2) The offender shall pay reimbursements imposed upon the offender pursuant to division (A) (3) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in the municipal corporation's general fund. The municipal

corporation shall use the amounts deposited in the fund to pay 546  
the costs incurred by the municipal corporation pursuant to any 547  
sanction imposed under this section or section 2929.26 or 548  
2929.27 of the Revised Code or in operating a facility used to 549  
confine offenders pursuant to a sanction imposed under section 550  
2929.26 of the Revised Code. 551

(3) The offender shall pay reimbursements imposed pursuant 552  
to division (A) (3) of this section for the costs incurred by a 553  
private provider pursuant to a sanction imposed under this 554  
section or section 2929.26 or 2929.27 of the Revised Code to the 555  
provider. 556

(D) In addition to any other fine that is or may be 557  
imposed under this section, the court imposing sentence upon an 558  
offender for misdemeanor domestic violence or menacing by 559  
stalking may impose a fine of not less than seventy nor more 560  
than five hundred dollars, which shall be transmitted to the 561  
treasurer of state to be credited to the address confidentiality 562  
program fund created by section 111.48 of the Revised Code. 563

(E) Except as otherwise provided in this division, a 564  
financial sanction imposed under division (A) of this section is 565  
a judgment in favor of the state or the political subdivision 566  
that operates the court that imposed the financial sanction, and 567  
the offender subject to the financial sanction is the judgment 568  
debtor. A financial sanction of reimbursement imposed pursuant 569  
to division (A) (3) (a) (i) of this section upon an offender is a 570  
judgment in favor of the entity administering the community 571  
control sanction, and the offender subject to the financial 572  
sanction is the judgment debtor. A financial sanction of 573  
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 574  
section upon an offender confined in a jail or other residential 575

facility is a judgment in favor of the entity operating the jail 576  
or other residential facility, and the offender subject to the 577  
financial sanction is the judgment debtor. A financial sanction 578  
of restitution imposed pursuant to division (A)(1) of this 579  
section is an order in favor of the victim of the offender's 580  
criminal act that can be collected through a certificate of 581  
judgment as described in division (E)(1) of this section, 582  
through execution as described in division (E)(2) of this 583  
section, or through an order as described in division (E)(3) of 584  
this section, and the offender shall be considered for purposes 585  
of the collection as the judgment debtor. 586

Once the financial sanction is imposed as a judgment or 587  
order under this division, the victim, private provider, state, 588  
or political subdivision may do any of the following: 589

(1) Obtain from the clerk of the court in which the 590  
judgment was entered a certificate of judgment that shall be in 591  
the same manner and form as a certificate of judgment issued in 592  
a civil action; 593

(2) Obtain execution of the judgment or order through any 594  
available procedure, including any of the procedures identified 595  
in divisions (E)(1) and (2) of section 2929.18 of the Revised 596  
Code. 597

(3) Obtain an order for the assignment of wages of the 598  
judgment debtor under section 1321.33 of the Revised Code. 599

(F) The civil remedies authorized under division (E) of 600  
this section for the collection of the financial sanction 601  
supplement, but do not preclude, enforcement of the criminal 602  
sentence. 603

(G) Each court imposing a financial sanction upon an 604

offender under this section may designate the clerk of the court 605  
or another person to collect the financial sanction. The clerk, 606  
or another person authorized by law or the court to collect the 607  
financial sanction may do the following: 608

(1) Enter into contracts with one or more public agencies 609  
or private vendors for the collection of amounts due under the 610  
sanction. Before entering into a contract for the collection of 611  
amounts due from an offender pursuant to any financial sanction 612  
imposed pursuant to this section, a court shall comply with 613  
sections 307.86 to 307.92 of the Revised Code. 614

(2) Permit payment of all or any portion of the sanction 615  
in installments, by financial transaction device if the court is 616  
a county court or a municipal court operated by a county, by 617  
credit or debit card or by another electronic transfer if the 618  
court is a municipal court not operated by a county, or by any 619  
other reasonable method, in any time, and on any terms that 620  
court considers just, except that the maximum time permitted for 621  
payment shall not exceed five years. If the court is a county 622  
court or a municipal court operated by a county, the acceptance 623  
of payments by any financial transaction device shall be 624  
governed by the policy adopted by the board of county 625  
commissioners of the county pursuant to section 301.28 of the 626  
Revised Code. If the court is a municipal court not operated by 627  
a county, the clerk may pay any fee associated with processing 628  
an electronic transfer out of public money or may charge the fee 629  
to the offender. 630

(3) To defray administrative costs, charge a reasonable 631  
fee to an offender who elects a payment plan rather than a lump 632  
sum payment of any financial sanction. 633

(H) No financial sanction imposed under this section shall 634

preclude a victim from bringing a civil action against the offender." 635  
636

In line 445, delete "section" and insert "sections"; after "2929.01" insert ", 2929.18, and 2929.28" 637  
638

In line 446, delete "is" and insert "are" 639

After line 446, insert: 640

**"Section 3.** Section 2929.18 of the Revised Code is 641  
presented in this act as a composite of the section as amended 642  
by both Sub. H.B. 60 and Sub. H.B. 359 of the 131st General 643  
Assembly. The General Assembly, applying the principle stated in 644  
division (B) of section 1.52 of the Revised Code that amendments 645  
are to be harmonized if reasonably capable of simultaneous 646  
operation, finds that the composite is the resulting version of 647  
the section in effect prior to the effective date of the section 648  
as presented in this act." 649

The motion was \_\_\_\_\_ agreed to.