

**House Criminal Justice Committee**  
**House Bill 125 Proponent Testimony**  
**Lori M. Tyack, Franklin County Municipal Court Clerk**  
**Civil Fines**  
**May 9, 2017**

My name is Lori M. Tyack and I am the Clerk of Court for the Franklin County Municipal Court in Columbus.

Members of the House Criminal Justice Committee, thank you for providing me an opportunity to offer proponent testimony on House Bill 125. I would also like to thank Representatives Craig and Seiz for sponsoring this legislation.

This legislation is about fairness, accountability and due process. In early 2013 the 129<sup>th</sup> General Assembly passed legislation to abolish mayor's courts for villages with a population of less than 200 residents. As a result of this legislation, 908 cases were transferred to the Franklin County Municipal Court Clerk's Office between March and December of 2013. One Central Ohio village, the Village of Brice, transferred their open cases to my office. More than 500 case files were received; most of which were incomplete with improperly documented payments – some were even recorded on post it notes with no formal accounting system. Originally, these files were to be transferred within a few months, but they trickled in until the end of 2013.

In May of 2013, Village of Brice officials passed civil penalties for violations of traffic ordinances with associated fines and costs. At first glance, the fines and costs assessed by the Village of Brice for civil citations far exceeded the fines and costs assessed by the Franklin County Municipal Court. Consequently, my staff performed comparison of fines and costs using the Ordinance passed by Brice, the Ohio Revised Code and the Columbus City Code for the same or similar infractions. A significant difference *was* found to exist. I would be glad to provide our findings to this Committee upon request. In addition to the exorbitant cost, there was no ability to appeal.

Recently, an individual visited my office requesting to file an appeal on a civil speeding violation issued by the Village of Brice. They indicated that the citation

was issued as a result of a speed camera placed in an orange barrel in Brice. Unfortunately, no avenue for appeal currently exists for a civil speeding violation.

In contrast, the City of Columbus has a two-step process in place for civil citations issued as a result of a Red Light Photo Camera infraction. The process begins with a scheduled hearing date which appears on the citation. Depending upon the decision, the defendant may then file an appeal with the Franklin County Municipal Court.

In 2016, my staff and I met with the new Chief of Police for the Village of Brice. He assured us that any future citations would be filed with my office and issued under the Ohio Revised Code. Since our meeting, traffic cases received from the Village of Brice have dwindled. In 2016 only 14 traffic cases were filed and as of January this year, only 2 traffic cases have been filed with the Franklin County Municipal Court Clerk's Office.

This legislation is smart and timely as it limits the maximum fines and costs that can be assessed using the schedule of fines and costs established by local municipal and county courts in Ohio. It also preserves the defendant's right to due process and to appeal.

In closing, House Bill 125 will ensure fairness, accountability and the right to due process for all citizens of Ohio. Thank you for considering my testimony.