

As Reported by the House Criminal Justice Committee

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 349

Representative LaTourette

Cosponsor: Representative Manning

A BILL

To amend sections 2921.321 and 2929.18 of the 1
Revised Code to include search and rescue dogs 2
and horses in the prohibition against assaulting 3
or harassing a police animal. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2921.321 and 2929.18 of the 5
Revised Code be amended to read as follows: 6

Sec. 2921.321. (A) No person shall knowingly cause, or 7
attempt to cause, physical harm to a search and rescue dog or 8
horse or police dog or horse in either of the following 9
circumstances: 10

(1) The search and rescue dog or horse or police dog or 11
horse is assisting a law enforcement officer, certified 12
volunteer handler, or first responder in the performance of ~~the~~ 13
~~officer's~~ official duties or emergency services at the time the 14
physical harm is caused or attempted. 15

(2) The search and rescue dog or horse or police dog or 16
horse is not assisting a law enforcement officer, certified 17
volunteer handler, or first responder in the performance of ~~the~~ 18

~~officer's~~ official duties or emergency services at the time the 19
physical harm is caused or attempted, but the offender has 20
actual knowledge that the dog or horse is a search and rescue 21
dog or horse or police dog or horse. 22

(B) No person shall recklessly do any of the following: 23

(1) Taunt, torment, or strike a search and rescue dog or 24
horse or police dog or horse; 25

(2) Throw an object or substance at a search and rescue 26
dog or horse or police dog or horse; 27

(3) Interfere with or obstruct a search and rescue dog or 28
horse or police dog or horse, or interfere with or obstruct a 29
law enforcement officer, certified volunteer handler, or first 30
responder who is being assisted by a search and rescue dog or 31
horse or police dog or horse, in a manner that does any of the 32
following: 33

(a) Inhibits or restricts the law enforcement officer's, 34
certified volunteer handler's, or first responder's control of 35
the search and rescue dog or horse or police dog or horse; 36

(b) Deprives the law enforcement officer, certified 37
volunteer handler, or first responder of control of the search 38
and rescue dog or horse or police dog or horse; 39

(c) Releases the search and rescue dog or horse or police 40
dog or horse from its area of control; 41

(d) Enters the area of control of the search and rescue 42
dog or horse or police dog or horse without the consent of the 43
law enforcement officer, certified volunteer handler, or first 44
responder, including placing food or any other object or 45
substance into that area; 46

(e) Inhibits or restricts the ability of the search and rescue dog or horse or police dog or horse to assist a law enforcement officer, certified volunteer handler, or first responder. 47
48
49
50

(4) Engage in any conduct that is likely to cause serious physical injury or death to a search and rescue dog or horse or police dog or horse; 51
52
53

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a search and rescue dog or horse or police dog or horse that at the time of the conduct is assisting a law enforcement officer, certified volunteer handler, or first responder in the performance of the officer's official duties or emergency services or that the person knows is a search and rescue dog or horse or police dog or horse. 54
55
56
57
58
59
60
61
62
63

(C) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances: 64
65
66

(1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted. 67
68
69

(2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog. 70
71
72
73

(D) No person shall recklessly do any of the following: 74

(1) Taunt, torment, or strike an assistance dog; 75

| | |
|---|---|
| (2) Throw an object or substance at an assistance dog; | 76 |
| (3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following: | 77 78 79 80 |
| (a) Inhibits or restricts the assisted or served person's control of the dog; | 81 82 |
| (b) Deprives the assisted or served person of control of the dog; | 83 84 |
| (c) Releases the dog from its area of control; | 85 |
| (d) Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area; | 86 87 88 |
| (e) Inhibits or restricts the ability of the dog to assist the assisted or served person. | 89 90 |
| (4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog; | 91 92 |
| (5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog. | 93 94 95 96 97 98 99 100 |
| (E) (1) Whoever violates division (A) of this section is guilty of assaulting a <u>search and rescue dog or horse or police</u> dog or horse, and shall be punished as provided in divisions (E) | 101 102 103 |

(1) (a) and (b) of this section. 104

(a) Except as otherwise provided in this division, 105
assaulting a search and rescue dog or horse or police dog or 106
horse is a misdemeanor of the second degree. If the violation 107
results in the death of the search and rescue dog or horse or 108
police dog or horse, assaulting a search and rescue dog or horse 109
or police dog or horse is a felony of the third degree and the 110
court shall impose as a mandatory prison term one of the prison 111
terms prescribed for a felony of the third degree. If the 112
violation results in serious physical harm to the search and 113
rescue dog or horse or police dog or horse other than its death, 114
assaulting a search and rescue dog or horse or police dog or 115
horse is a felony of the fourth degree. If the violation results 116
in physical harm to the police dog or horse other than death or 117
serious physical harm, assaulting a police dog or horse is a 118
misdemeanor of the first degree. 119

(b) In addition to any other sanction imposed for 120
assaulting a search and rescue dog or horse or police dog or 121
horse, if the violation of division (A) of this section results 122
in the death of the search and rescue dog or horse or police dog 123
or horse, the sentencing court shall impose as a financial 124
sanction a mandatory fine under division (B)(10) of section 125
2929.18 of the Revised Code. The fine shall be paid to the law 126
enforcement agency, the volunteer unit, or the first responder 127
that was served by the search and rescue dog or horse or police 128
dog or horse that was killed, and shall be used by that law 129
enforcement agency, volunteer unit, or first responder only for 130
one or more of the following purposes: 131

(i) If the dog or horse was not owned by the law 132
enforcement agency, volunteer unit, or first responder, the 133

payment to the owner of the dog or horse of the cost of the dog 134
or horse and the cost of the training of the dog or horse to 135
qualify it as a search and rescue dog or horse or police dog or 136
horse, if that cost has not previously been paid by the law 137
enforcement agency, volunteer unit, or first responder; 138

(ii) After payment of the costs described in division (E) 139
(1)(b)(i) of this section, if applicable, payment of the cost of 140
replacing the dog or horse that was killed; 141

(iii) After payment of the costs described in division (E) 142
(1)(b)(i) of this section, if applicable, payment of the cost of 143
training the replacement dog or horse to qualify it as a search 144
and rescue dog or horse or police dog or horse; 145

(iv) After payment of the costs described in division (E) 146
(1)(b)(i) of this section, if applicable, payment of the cost of 147
further training of the replacement dog or horse that is needed 148
to train it to the level of training that had been achieved by 149
the dog or horse that was killed. 150

(2) Whoever violates division (B) of this section is 151
guilty of harassing a search and rescue dog or horse or police 152
dog or horse. Except as otherwise provided in this division, 153
harassing a search and rescue dog or horse or police dog or 154
horse is a misdemeanor of the second degree. If the violation 155
results in the death of the search and rescue dog or horse or 156
police dog or horse, harassing a search and rescue dog or horse 157
or police dog or horse is a felony of the third degree. If the 158
violation results in serious physical harm to the search and 159
rescue dog or horse or police dog or horse, but does not result 160
in its death, harassing a search and rescue dog or horse or 161
police dog or horse, is a felony of the fourth degree. If the 162
violation results in physical harm to the search and rescue dog 163

or horse or police dog or horse, but does not result in its 164
death or in serious physical harm to it, harassing a search and 165
rescue dog or horse or police dog or horse is a misdemeanor of 166
the first degree. 167

(3) Whoever violates division (C) of this section is 168
guilty of assaulting an assistance dog. Except as otherwise 169
provided in this division, assaulting an assistance dog is a 170
misdemeanor of the second degree. If the violation results in 171
the death of the assistance dog, assaulting an assistance dog is 172
a felony of the third degree. If the violation results in 173
serious physical harm to the assistance dog other than its 174
death, assaulting an assistance dog is a felony of the fourth 175
degree. If the violation results in physical harm to the 176
assistance dog other than death or serious physical harm, 177
assaulting an assistance dog is a misdemeanor of the first 178
degree. 179

(4) Whoever violates division (D) of this section is 180
guilty of harassing an assistance dog. Except as otherwise 181
provided in this division, harassing an assistance dog is a 182
misdemeanor of the second degree. If the violation results in 183
the death of the assistance dog, harassing an assistance dog is 184
a felony of the third degree. If the violation results in 185
serious physical harm to the assistance dog, but does not result 186
in its death, harassing an assistance dog is a felony of the 187
fourth degree. If the violation results in physical harm to the 188
assistance dog, but does not result in its death or in serious 189
physical harm to it, harassing an assistance dog is a 190
misdemeanor of the first degree. 191

(5) In addition to any other sanction or penalty imposed 192
for the offense under this section, Chapter 2929., or any other 193

provision of the Revised Code, whoever violates division (A), 194
(B), (C), or (D) of this section is responsible for the payment 195
of all of the following: 196

(a) Any veterinary bill or bill for medication incurred as 197
a result of the violation by the police department, the 198
volunteer unit, or the first responder regarding a violation of 199
division (A) or (B) of this section or by the blind, deaf or 200
hearing impaired, or mobility impaired person assisted or served 201
by the assistance dog regarding a violation of division (C) or 202
(D) of this section; 203

(b) The cost of any damaged equipment that results from 204
the violation; 205

(c) If the violation did not result in the death of the 206
search and rescue dog or horse, police dog or horse, or the 207
assistance dog that was the subject of the violation and if, as 208
a result of that dog or horse being the subject of the 209
violation, the dog or horse needs further training or retraining 210
to be able to continue in the capacity of a search and rescue 211
dog or horse, police dog or horse, or an assistance dog, the 212
cost of any further training or retraining of that dog or horse 213
by a law enforcement officer, certified volunteer handler, or 214
first responder or by the blind, deaf or hearing impaired, or 215
mobility impaired person assisted or served by the assistance 216
dog; 217

(d) If the violation resulted in the death of the 218
assistance dog that was the subject of the violation or resulted 219
in serious physical harm to the search and rescue dog or horse, 220
police dog or horse, or the assistance dog or horse that was the 221
subject of the violation to the extent that the dog or horse 222
needs to be replaced on either a temporary or a permanent basis, 223

the cost of replacing that dog or horse and of any further 224
training of a new search and rescue dog or horse, police dog or 225
horse, or a new assistance dog by a law enforcement officer,__ 226
certified volunteer handler, or first responder or by the blind, 227
deaf or hearing impaired, or mobility impaired person assisted 228
or served by the assistance dog, which replacement or training 229
is required because of the death of or the serious physical harm 230
to the dog or horse that was the subject of the violation. 231

(F) This section does not apply to a licensed veterinarian 232
whose conduct is in accordance with Chapter 4741. of the Revised 233
Code. 234

(G) This section only applies to an offender who knows or 235
should know at the time of the violation that the search and 236
rescue dog or horse, police dog or horse, or assistance dog that 237
is the subject of a violation under this section is a search and 238
rescue dog or horse, police dog or horse, or an assistance dog. 239

(H) As used in this section: 240

(1) "Physical harm" means any injury, illness, or other 241
physiological impairment, regardless of its gravity or duration. 242

(2) "Police dog or horse" means a dog or horse that has 243
been trained, and may be used, to assist law enforcement 244
officers in the performance of their official duties. 245

(3) "Serious physical harm" means any of the following: 246

(a) Any physical harm that carries a substantial risk of 247
death; 248

(b) Any physical harm that causes permanent maiming or 249
that involves some temporary, substantial maiming; 250

(c) Any physical harm that causes acute pain of a duration 251

that results in substantial suffering. 252

(4) "Assistance dog," "blind," and "mobility impaired
person" have the same meanings as in section 955.011 of the
Revised Code. 253
254
255

(5) "Search and rescue dog or horse" means a dog or horse
that is trained or certified to locate missing persons. 256
257

(6) "First responder" has the same meaning as in section
4765.01 of the Revised Code and also includes any individual who
holds a current, valid certificate issued under section 4765.55
of the Revised Code to provide services as a firefighter. 258
259
260
261

(7) "Certified volunteer handler" means a member of a
volunteer search and rescue unit who is certified by a
nationally recognized search and rescue training organization,
program, or course to train or employ search and rescue dogs or
horses to locate missing persons. 262
263
264
265
266

(8) "Volunteer unit" means a volunteer search and rescue
unit that consists of certified volunteer handlers. 267
268

Sec. 2929.18. (A) Except as otherwise provided in this 269
division and in addition to imposing court costs pursuant to 270
section 2947.23 of the Revised Code, the court imposing a 271
sentence upon an offender for a felony may sentence the offender 272
to any financial sanction or combination of financial sanctions 273
authorized under this section or, in the circumstances specified 274
in section 2929.32 of the Revised Code, may impose upon the 275
offender a fine in accordance with that section. Financial 276
sanctions that may be imposed pursuant to this section include, 277
but are not limited to, the following: 278

(1) Restitution by the offender to the victim of the 279
offender's crime or any survivor of the victim, in an amount 280

based on the victim's economic loss. If the court imposes 281
restitution, the court shall order that the restitution be made 282
to the victim in open court, to the adult probation department 283
that serves the county on behalf of the victim, to the clerk of 284
courts, or to another agency designated by the court. If the 285
court imposes restitution, at sentencing, the court shall 286
determine the amount of restitution to be made by the offender. 287
If the court imposes restitution, the court may base the amount 288
of restitution it orders on an amount recommended by the victim, 289
the offender, a presentence investigation report, estimates or 290
receipts indicating the cost of repairing or replacing property, 291
and other information, provided that the amount the court orders 292
as restitution shall not exceed the amount of the economic loss 293
suffered by the victim as a direct and proximate result of the 294
commission of the offense. If the court decides to impose 295
restitution, the court shall hold a hearing on restitution if 296
the offender, victim, or survivor disputes the amount. All 297
restitution payments shall be credited against any recovery of 298
economic loss in a civil action brought by the victim or any 299
survivor of the victim against the offender. 300

If the court imposes restitution, the court may order that 301
the offender pay a surcharge of not more than five per cent of 302
the amount of the restitution otherwise ordered to the entity 303
responsible for collecting and processing restitution payments. 304

The victim or survivor may request that the prosecutor in 305
the case file a motion, or the offender may file a motion, for 306
modification of the payment terms of any restitution ordered. If 307
the court grants the motion, it may modify the payment terms as 308
it determines appropriate. 309

(2) Except as provided in division (B)(1), (3), or (4) of 310

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.

(4) A state fine or costs as defined in section 2949.111 of the Revised Code.

(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the

| | |
|--|--|
| following: | 339 |
| (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; | 340 341 342 |
| (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; | 343 344 345 346 347 348 349 |
| (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. | 350 351 352 353 354 |
| (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 authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A) (5) (a) (ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of | 355 356 357 358 359 360 361 362 363 364 365 366 367 368 |

the Revised Code. In addition, the offender may be required to 369
pay the fees specified in section 2929.38 of the Revised Code in 370
accordance with that section. 371

(c) Reimbursement by the offender for costs pursuant to 372
section 2929.71 of the Revised Code. 373

(B) (1) For a first, second, or third degree felony 374
violation of any provision of Chapter 2925., 3719., or 4729. of 375
the Revised Code, the sentencing court shall impose upon the 376
offender a mandatory fine of at least one-half of, but not more 377
than, the maximum statutory fine amount authorized for the level 378
of the offense pursuant to division (A) (3) of this section. If 379
an offender alleges in an affidavit filed with the court prior 380
to sentencing that the offender is indigent and unable to pay 381
the mandatory fine and if the court determines the offender is 382
an indigent person and is unable to pay the mandatory fine 383
described in this division, the court shall not impose the 384
mandatory fine upon the offender. 385

(2) Any mandatory fine imposed upon an offender under 386
division (B) (1) of this section and any fine imposed upon an 387
offender under division (A) (2) or (3) of this section for any 388
fourth or fifth degree felony violation of any provision of 389
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 390
to law enforcement agencies pursuant to division (F) of section 391
2925.03 of the Revised Code. 392

(3) For a fourth degree felony OVI offense and for a third 393
degree felony OVI offense, the sentencing court shall impose 394
upon the offender a mandatory fine in the amount specified in 395
division (G) (1) (d) or (e) of section 4511.19 of the Revised 396
Code, whichever is applicable. The mandatory fine so imposed 397
shall be disbursed as provided in the division pursuant to which 398

it is imposed. 399

(4) Notwithstanding any fine otherwise authorized or 400
required to be imposed under division (A) (2) or (3) or (B) (1) of 401
this section or section 2929.31 of the Revised Code for a 402
violation of section 2925.03 of the Revised Code, in addition to 403
any penalty or sanction imposed for that offense under section 404
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 405
in addition to the forfeiture of property in connection with the 406
offense as prescribed in Chapter 2981. of the Revised Code, the 407
court that sentences an offender for a violation of section 408
2925.03 of the Revised Code may impose upon the offender a fine 409
in addition to any fine imposed under division (A) (2) or (3) of 410
this section and in addition to any mandatory fine imposed under 411
division (B) (1) of this section. The fine imposed under division 412
(B) (4) of this section shall be used as provided in division (H) 413
of section 2925.03 of the Revised Code. A fine imposed under 414
division (B) (4) of this section shall not exceed whichever of 415
the following is applicable: 416

(a) The total value of any personal or real property in 417
which the offender has an interest and that was used in the 418
course of, intended for use in the course of, derived from, or 419
realized through conduct in violation of section 2925.03 of the 420
Revised Code, including any property that constitutes proceeds 421
derived from that offense; 422

(b) If the offender has no interest in any property of the 423
type described in division (B) (4) (a) of this section or if it is 424
not possible to ascertain whether the offender has an interest 425
in any property of that type in which the offender may have an 426
interest, the amount of the mandatory fine for the offense 427
imposed under division (B) (1) of this section or, if no 428

mandatory fine is imposed under division (B) (1) of this section, 429
the amount of the fine authorized for the level of the offense 430
imposed under division (A) (3) of this section. 431

(5) Prior to imposing a fine under division (B) (4) of this 432
section, the court shall determine whether the offender has an 433
interest in any property of the type described in division (B) 434
(4) (a) of this section. Except as provided in division (B) (6) or 435
(7) of this section, a fine that is authorized and imposed under 436
division (B) (4) of this section does not limit or affect the 437
imposition of the penalties and sanctions for a violation of 438
section 2925.03 of the Revised Code prescribed under those 439
sections or sections 2929.11 to 2929.18 of the Revised Code and 440
does not limit or affect a forfeiture of property in connection 441
with the offense as prescribed in Chapter 2981. of the Revised 442
Code. 443

(6) If the sum total of a mandatory fine amount imposed 444
for a first, second, or third degree felony violation of section 445
2925.03 of the Revised Code under division (B) (1) of this 446
section plus the amount of any fine imposed under division (B) 447
(4) of this section does not exceed the maximum statutory fine 448
amount authorized for the level of the offense under division 449
(A) (3) of this section or section 2929.31 of the Revised Code, 450
the court may impose a fine for the offense in addition to the 451
mandatory fine and the fine imposed under division (B) (4) of 452
this section. The sum total of the amounts of the mandatory 453
fine, the fine imposed under division (B) (4) of this section, 454
and the additional fine imposed under division (B) (6) of this 455
section shall not exceed the maximum statutory fine amount 456
authorized for the level of the offense under division (A) (3) of 457
this section or section 2929.31 of the Revised Code. The clerk 458
of the court shall pay any fine that is imposed under division 459

(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 the offender to the victim or any survivor of the victim, with the restitution including the costs of housing, counseling, and medical and legal assistance incurred by the victim as a direct result of the offense and the greater of the following:

(i) The gross income or value to the offender of the victim's labor or services;

(ii) The value of the victim's labor as guaranteed under 490
the minimum wage and overtime provisions of the "Federal Fair 491
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 492
state labor laws. 493

(b) If a court imposing sentence upon an offender for a 494
felony is required to impose upon the offender a financial 495
sanction of restitution under division (B) (8) (a) of this 496
section, in addition to that financial sanction of restitution, 497
the court may sentence the offender to any other financial 498
sanction or combination of financial sanctions authorized under 499
this section, including a restitution sanction under division 500
(A) (1) of this section. 501

(9) In addition to any other fine that is or may be 502
imposed under this section, the court imposing sentence upon an 503
offender for a felony that is a sexually oriented offense or a 504
child-victim oriented offense, as those terms are defined in 505
section 2950.01 of the Revised Code, may impose a fine of not 506
less than fifty nor more than five hundred dollars. 507

(10) For a felony violation of division (A) of section 508
2921.321 of the Revised Code that results in the death of the 509
search and rescue dog or horse or police dog or horse that is 510
the subject of the violation, the sentencing court shall impose 511
upon the offender a mandatory fine from the range of fines 512
provided under division (A) (3) of this section for a felony of 513
the third degree. A mandatory fine imposed upon an offender 514
under division (B) (10) of this section shall be paid to the law 515
enforcement agency, volunteer unit, or first responder that was 516
served by the police dog or horse that was killed in the felony 517
violation of division (A) of section 2921.321 of the Revised 518
Code to be used as provided in division (E) (1) (b) of that 519

| | |
|---|-----|
| section. | 520 |
| (11) In addition to any other fine that is or may be | 521 |
| imposed under this section, the court imposing sentence upon an | 522 |
| offender for any of the following offenses that is a felony may | 523 |
| impose a fine of not less than seventy nor more than five | 524 |
| hundred dollars, which shall be transmitted to the treasurer of | 525 |
| state to be credited to the address confidentiality program fund | 526 |
| created by section 111.48 of the Revised Code: | 527 |
| (a) Domestic violence; | 528 |
| (b) Menacing by stalking; | 529 |
| (c) Rape; | 530 |
| (d) Sexual battery; | 531 |
| (e) Trafficking in persons; | 532 |
| (f) A violation of section 2905.01, 2905.02, 2907.21, | 533 |
| 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, | 534 |
| or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of | 535 |
| the Revised Code, if the offender also is convicted of a | 536 |
| specification of the type described in section 2941.1422 of the | 537 |
| Revised Code that charges that the offender knowingly committed | 538 |
| the offense in furtherance of human trafficking. | 539 |
| (C) (1) Except as provided in section 2951.021 of the | 540 |
| Revised Code, the offender shall pay reimbursements imposed upon | 541 |
| the offender pursuant to division (A) (5) (a) of this section to | 542 |
| pay the costs incurred by a county pursuant to any sanction | 543 |
| imposed under this section or section 2929.16 or 2929.17 of the | 544 |
| Revised Code or in operating a facility used to confine | 545 |
| offenders pursuant to a sanction imposed under section 2929.16 | 546 |
| of the Revised Code to the county treasurer. The county | 547 |

treasurer shall deposit the reimbursements in the sanction cost 548
reimbursement fund that each board of county commissioners shall 549
create in its county treasury. The county shall use the amounts 550
deposited in the fund to pay the costs incurred by the county 551
pursuant to any sanction imposed under this section or section 552
2929.16 or 2929.17 of the Revised Code or in operating a 553
facility used to confine offenders pursuant to a sanction 554
imposed under section 2929.16 of the Revised Code. 555

(2) Except as provided in section 2951.021 of the Revised 556
Code, the offender shall pay reimbursements imposed upon the 557
offender pursuant to division (A) (5) (a) of this section to pay 558
the costs incurred by a municipal corporation pursuant to any 559
sanction imposed under this section or section 2929.16 or 560
2929.17 of the Revised Code or in operating a facility used to 561
confine offenders pursuant to a sanction imposed under section 562
2929.16 of the Revised Code to the treasurer of the municipal 563
corporation. The treasurer shall deposit the reimbursements in a 564
special fund that shall be established in the treasury of each 565
municipal corporation. The municipal corporation shall use the 566
amounts deposited in the fund to pay the costs incurred by the 567
municipal corporation pursuant to any sanction imposed under 568
this section or section 2929.16 or 2929.17 of the Revised Code 569
or in operating a facility used to confine offenders pursuant to 570
a sanction imposed under section 2929.16 of the Revised Code. 571

(3) Except as provided in section 2951.021 of the Revised 572
Code, the offender shall pay reimbursements imposed pursuant to 573
division (A) (5) (a) of this section for the costs incurred by a 574
private provider pursuant to a sanction imposed under this 575
section or section 2929.16 or 2929.17 of the Revised Code to the 576
provider. 577

(D) Except as otherwise provided in this division, a 578
financial sanction imposed pursuant to division (A) or (B) of 579
this section is a judgment in favor of the state or a political 580
subdivision in which the court that imposed the financial 581
sanction is located, and the offender subject to the financial 582
sanction is the judgment debtor. A financial sanction of 583
reimbursement imposed pursuant to division (A)(5)(a)(ii) of this 584
section upon an offender who is incarcerated in a state facility 585
or a municipal jail is a judgment in favor of the state or the 586
municipal corporation, and the offender subject to the financial 587
sanction is the judgment debtor. A financial sanction of 588
reimbursement imposed upon an offender pursuant to this section 589
for costs incurred by a private provider of sanctions is a 590
judgment in favor of the private provider, and the offender 591
subject to the financial sanction is the judgment debtor. A 592
financial sanction of a mandatory fine imposed under division 593
(B)(10) of this section that is required under that division to 594
be paid to a law enforcement agency, volunteer unit, or first 595
responder is a judgment in favor of the specified law 596
enforcement agency, volunteer unit, or first responder, and the 597
offender subject to the financial sanction is the judgment 598
debtor. A financial sanction of restitution imposed pursuant to 599
division (A)(1) or (B)(8) of this section is an order in favor 600
of the victim of the offender's criminal act that can be 601
collected through a certificate of judgment as described in 602
division (D)(1) of this section, through execution as described 603
in division (D)(2) of this section, or through an order as 604
described in division (D)(3) of this section, and the offender 605
shall be considered for purposes of the collection as the 606
judgment debtor. Imposition of a financial sanction and 607
execution on the judgment does not preclude any other power of 608
the court to impose or enforce sanctions on the offender. Once 609

the financial sanction is imposed as a judgment or order under 610
this division, the victim, private provider, state, or political 611
subdivision may do any of the following: 612

(1) Obtain from the clerk of the court in which the 613
judgment was entered a certificate of judgment that shall be in 614
the same manner and form as a certificate of judgment issued in 615
a civil action; 616

(2) Obtain execution of the judgment or order through any 617
available procedure, including: 618

(a) An execution against the property of the judgment 619
debtor under Chapter 2329. of the Revised Code; 620

(b) An execution against the person of the judgment debtor 621
under Chapter 2331. of the Revised Code; 622

(c) A proceeding in aid of execution under Chapter 2333. 623
of the Revised Code, including: 624

(i) A proceeding for the examination of the judgment 625
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 626
2333.27 of the Revised Code; 627

(ii) A proceeding for attachment of the person of the 628
judgment debtor under section 2333.28 of the Revised Code; 629

(iii) A creditor's suit under section 2333.01 of the 630
Revised Code. 631

(d) The attachment of the property of the judgment debtor 632
under Chapter 2715. of the Revised Code; 633

(e) The garnishment of the property of the judgment debtor 634
under Chapter 2716. of the Revised Code. 635

(3) Obtain an order for the assignment of wages of the 636

judgment debtor under section 1321.33 of the Revised Code. 637

(E) A court that imposes a financial sanction upon an 638
offender may hold a hearing if necessary to determine whether 639
the offender is able to pay the sanction or is likely in the 640
future to be able to pay it. 641

(F) Each court imposing a financial sanction upon an 642
offender under this section or under section 2929.32 of the 643
Revised Code may designate the clerk of the court or another 644
person to collect the financial sanction. The clerk or other 645
person authorized by law or the court to collect the financial 646
sanction may enter into contracts with one or more public 647
agencies or private vendors for the collection of, amounts due 648
under the financial sanction imposed pursuant to this section or 649
section 2929.32 of the Revised Code. Before entering into a 650
contract for the collection of amounts due from an offender 651
pursuant to any financial sanction imposed pursuant to this 652
section or section 2929.32 of the Revised Code, a court shall 653
comply with sections 307.86 to 307.92 of the Revised Code. 654

(G) If a court that imposes a financial sanction under 655
division (A) or (B) of this section finds that an offender 656
satisfactorily has completed all other sanctions imposed upon 657
the offender and that all restitution that has been ordered has 658
been paid as ordered, the court may suspend any financial 659
sanctions imposed pursuant to this section or section 2929.32 of 660
the Revised Code that have not been paid. 661

(H) No financial sanction imposed under this section or 662
section 2929.32 of the Revised Code shall preclude a victim from 663
bringing a civil action against the offender. 664

Section 2. That existing sections 2921.321 and 2929.18 of 665

the Revised Code are hereby repealed. 666

Section 3. Section 2929.18 of the Revised Code is 667
presented in this act as a composite of the section as amended 668
by both Sub. H.B. 60 and Sub. H.B. 359 of the 131st General 669
Assembly. The General Assembly, applying the principle stated in 670
division (B) of section 1.52 of the Revised Code that amendments 671
are to be harmonized if reasonably capable of simultaneous 672
operation, finds that the composite is the resulting version of 673
the section in effect prior to the effective date of the section 674
as presented in this act. 675