

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 247

Representative Butler

**Cosponsors: Representatives Adams, R., Beck, Grossman, Henne, Huffman,
Letson, Murray, Stebelton**

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A B I L L

To amend sections 181.25, 2947.23, 2949.091, and	1
2953.08 and to enact sections 1901.263, 1905.38,	2
1907.25, 1925.151, 2101.165, 2151.542, 2303.23,	3
2501.161, and 2503.18 of the Revised Code to	4
authorize a court to cancel claims for	5
uncollectible amounts due the court, to authorize	6
a sentencing court to waive, suspend, or modify	7
payment of the costs of prosecution, to define	8
"case" in connection with the imposition of costs	9
in a criminal case, and to abolish the Felony	10
Sentence Appeal Cost Oversight Committee.	11

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

Section 1. That sections 181.25, 2947.23, 2949.091, and	12
2953.08 be amended and sections 1901.263, 1905.38, 1907.25,	13
1925.151, 2101.165, 2151.542, 2303.23, 2501.161, and 2503.18 of	14
the Revised Code be enacted to read as follows:	15

Sec. 181.25. (A) If the comprehensive criminal sentencing	16
structure that it recommends to the general assembly pursuant to	17
section 181.24 of the Revised Code or any aspects of that	18

sentencing structure are enacted into law, the state criminal 19
sentencing commission shall do all of the following: 20

(1) Assist the general assembly in the implementation of 21
those aspects of the sentencing structure that are enacted into 22
law; 23

(2) Monitor the operation of the aspects of the sentencing 24
structure that are enacted into law and report to the general 25
assembly no later than January 1, 1997, and biennially thereafter, 26
on all of the following matters: 27

(a) The impact of the sentencing structure in effect on and 28
after July 1, 1996, on political subdivisions and other relevant 29
aspects of local government in this state, including all of the 30
following information: 31

(i) The number and type of offenders who were being 32
imprisoned in a state correctional institution under the law in 33
effect prior to July 1, 1996, but who are being punished under a 34
community control sanction, as defined in section 2929.01 of the 35
Revised Code, under the law in effect on and after July 1, 1996; 36

(ii) The fiscal and other impact of the law in effect on and 37
after July 1, 1996, on political subdivisions and other relevant 38
aspects of local government in this state, including law 39
enforcement agencies, the court system, prosecutors, as defined in 40
section 2935.01 of the Revised Code, the public defender and 41
assigned counsel system, jails and workhouses, probation 42
departments, the drug and alcohol abuse intervention and treatment 43
system, and the mental health intervention and treatment system. 44

(b) The impact of the sentencing structure in effect on and 45
after July 1, 1996, on the population of state correctional 46
institutions, including information regarding the number and types 47
of offenders who are being imprisoned under the law in effect on 48
and after July 1, 1996, and the amount of space in state 49

correctional institutions that is necessary to house those 50
offenders; 51

(c) The impact of the sentencing structure and the sentence 52
appeal provisions in effect on and after July 1, 1996, on the 53
appellate courts of this state, including information regarding 54
the number of sentence-based appeals, the cost of reviewing 55
appeals of that nature, whether a special court should be created 56
to review sentences, and whether changes should be made to ensure 57
that sentence-based appeals are conducted expeditiously. 58

(3) Review all bills that are introduced in the general 59
assembly that provide for new criminal offenses or that change the 60
penalty for any criminal offense, determine if those bills are 61
consistent with the sentencing policy adopted under division (B) 62
of section 181.23 of the Revised Code, determine the impact of 63
those bills upon the correctional resources of the state, and 64
recommend to the general assembly any necessary amendments to 65
those bills. When the commission recommends any amendment for a 66
bill before the general assembly, it shall do so in a manner that 67
is consistent with the requirements of section 181.24 of the 68
Revised Code. 69

(4) Study criminal sentencing structures in this state, other 70
states, and the federal government, recommend necessary changes to 71
the sentencing structure of the state, and determine the costs and 72
effects of any proposed changes in the sentencing structure of the 73
state; 74

(5) Collect and maintain data that pertains to the cost to 75
counties of the felony sentence appeal provisions set forth in 76
section 2953.08 of the Revised Code, of the postconviction relief 77
proceeding provisions set forth in division (A)(2) of section 78
2953.21 of the Revised Code, and of appeals from judgments entered 79
in such postconviction relief proceedings. The data so collected 80
and maintained shall include, but shall not be limited to, the 81

increase in expenses that counties experience as a result of those 82
provisions and those appeals and the number of felony sentence 83
appeals made, postconviction relief proceedings filed, and appeals 84
of postconviction relief proceeding judgments made in each county 85
under those provisions. ~~The commission periodically shall provide 86~~
~~to the felony sentence appeal cost oversight committee, in 87~~
~~accordance with division (I) of section 2953.08 of the Revised 88~~
~~Code, all data the commission collects pursuant to this division. 89~~

(B) In addition to its duties set forth in section 181.24 of 90
the Revised Code and division (A) of this section, the state 91
criminal sentencing commission shall review all forfeiture 92
statutes in Titles XXIX and XLV of the Revised Code and, not later 93
than July 1, 2002, recommend to the general assembly any necessary 94
changes to those statutes. 95

Sec. 1901.263. If at any time more than five years from the 96
date that an amount owing to the court was due the court finds 97
that the amount is uncollectible, in whole or in part, the court 98
may direct the clerk of the court to cancel all or part of the 99
claim. The clerk shall then effect the cancellation. 100

Sec. 1905.38. If at any time more than five years from the 101
date that an amount owing to the court was due the court finds 102
that the amount is uncollectible, in whole or in part, the court 103
may direct the clerk of the court to cancel all or part of the 104
claim. The clerk shall then effect the cancellation. 105

Sec. 1907.25. If at any time more than five years from the 106
date that an amount owing to the court was due the court finds 107
that the amount is uncollectible, in whole or in part, the court 108
may direct the clerk of the court to cancel all or part of the 109
claim. The clerk shall then effect the cancellation. 110

Sec. 1925.151. If at any time more than five years from the 111
date that an amount owing to the court was due the court finds 112
that the amount is uncollectible, in whole or in part, the court 113
may direct the clerk of the court to cancel all or part of the 114
claim. The clerk shall then effect the cancellation. 115

Sec. 2101.165. If at any time more than five years from the 116
date that an amount owing to the court was due the court finds 117
that the amount is uncollectible, in whole or in part, the court 118
may direct the clerk of the court to cancel all or part of the 119
claim. The clerk shall then effect the cancellation. 120

Sec. 2151.542. If at any time more than five years from the 121
date that an amount owing to the court was due the court finds 122
that the amount is uncollectible, in whole or in part, the court 123
may direct the clerk of the court to cancel all or part of the 124
claim. The clerk shall then effect the cancellation. 125

Sec. 2303.23. If at any time more than five years from the 126
date that an amount owing to the court was due the court finds 127
that the amount is uncollectible, in whole or in part, the court 128
may direct the clerk of the court to cancel all or part of the 129
claim. The clerk shall then effect the cancellation. 130

Sec. 2501.161. If at any time more than five years from the 131
date that an amount owing to the court was due the court finds 132
that the amount is uncollectible, in whole or in part, the court 133
may direct the clerk of the court to cancel all or part of the 134
claim. The clerk shall then effect the cancellation. 135

Sec. 2503.18. If at any time more than five years from the 136
date that an amount owing to the court was due the court finds 137
that the amount is uncollectible, in whole or in part, the court 138

may direct the clerk of the court to cancel all or part of the 139
claim. The clerk shall then effect the cancellation. 140

Sec. 2947.23. (A)(1) In all criminal cases, including 141
violations of ordinances, the judge or magistrate shall include in 142
the sentence the costs of prosecution, including any costs under 143
section 2947.231 of the Revised Code, and render a judgment 144
against the defendant for such costs. At the time the judge or 145
magistrate imposes sentence, the judge or magistrate shall notify 146
the defendant of both of the following: 147

(a) If the defendant fails to pay that judgment or fails to 148
timely make payments towards that judgment under a payment 149
schedule approved by the court, the court may order the defendant 150
to perform community service in an amount of not more than forty 151
hours per month until the judgment is paid or until the court is 152
satisfied that the defendant is in compliance with the approved 153
payment schedule. 154

(b) If the court orders the defendant to perform the 155
community service, the defendant will receive credit upon the 156
judgment at the specified hourly credit rate per hour of community 157
service performed, and each hour of community service performed 158
will reduce the judgment by that amount. 159

(2) The following shall apply in all criminal cases: 160

(a) If a jury has been sworn at the trial of a case, the fees 161
of the jurors shall be included in the costs, which shall be paid 162
to the public treasury from which the jurors were paid. 163

(b) If a jury has not been sworn at the trial of a case 164
because of a defendant's failure to appear without good cause, the 165
costs incurred in summoning jurors for that particular trial may 166
be included in the costs of prosecution. If the costs incurred in 167
summoning jurors are assessed against the defendant, those costs 168

shall be paid to the public treasury from which the jurors were 169
paid. 170

(B) If a judge or magistrate has reason to believe that a 171
defendant has failed to pay the judgment described in division (A) 172
of this section or has failed to timely make payments towards that 173
judgment under a payment schedule approved by the judge or 174
magistrate, the judge or magistrate shall hold a hearing to 175
determine whether to order the offender to perform community 176
service for that failure. The judge or magistrate shall notify 177
both the defendant and the prosecuting attorney of the place, 178
time, and date of the hearing and shall give each an opportunity 179
to present evidence. If, after the hearing, the judge or 180
magistrate determines that the defendant has failed to pay the 181
judgment or to timely make payments under the payment schedule and 182
that imposition of community service for the failure is 183
appropriate, the judge or magistrate may order the offender to 184
perform community service in an amount of not more than forty 185
hours per month until the judgment is paid or until the judge or 186
magistrate is satisfied that the offender is in compliance with 187
the approved payment schedule. If the judge or magistrate orders 188
the defendant to perform community service under this division, 189
the defendant shall receive credit upon the judgment at the 190
specified hourly credit rate per hour of community service 191
performed, and each hour of community service performed shall 192
reduce the judgment by that amount. Except for the credit and 193
reduction provided in this division, ordering an offender to 194
perform community service under this division does not lessen the 195
amount of the judgment and does not preclude the state from taking 196
any other action to execute the judgment. 197

(C) The court retains jurisdiction to waive, suspend, or 198
modify the payment of the costs of prosecution, including any 199
costs under section 2947.231 of the Revised Code, at the time of 200

sentencing or at any time thereafter. 201

(D) As used in this section, ~~"specified:~~ 202

(1) "Case" means a prosecution of all the charges that result 203
from the same act, transaction, or series of acts or transactions 204
and that are given the same case type designator and case number 205
under Rule 43 of the Rules of Superintendence for the Courts of 206
Ohio or any successor to that rule. 207

(2) "Specified hourly credit rate" means the wage rate that 208
is specified in 26 U.S.C.A. 206(a)(1) under the federal Fair Labor 209
Standards Act of 1938, that then is in effect, and that an 210
employer subject to that provision must pay per hour to each of 211
the employer's employees who is subject to that provision. 212

Sec. 2949.091. (A)(1)(a) The court in which any person is 213
convicted of or pleads guilty to any offense shall impose one of 214
the following sums as costs in the case in addition to any other 215
court costs that the court is required by law to impose upon the 216
offender: 217

(i) Thirty dollars if the offense is a felony; 218

(ii) Twenty dollars if the offense is a misdemeanor other 219
than a traffic offense that is not a moving violation; 220

(iii) Ten dollars if the offense is a traffic offense that is 221
not a moving violation, excluding parking violations. 222

(b) All moneys collected pursuant to division (A)(1)(a) of 223
this section during a month shall be transmitted on or before the 224
twentieth day of the following month by the clerk of the court to 225
the treasurer of state and deposited by the treasurer of state to 226
the credit of the indigent defense support fund established under 227
section 120.08 of the Revised Code. The court shall not waive the 228
payment of the additional thirty-, twenty-, or ten-dollar court 229
costs, unless the court determines that the offender is indigent 230

and waives the payment of all court costs imposed upon the 231
indigent offender. 232

(2)(a) The juvenile court in which a child is found to be a 233
delinquent child or a juvenile traffic offender for an act that, 234
if committed by an adult, would be an offense, shall impose one of 235
the following sums as costs in the case in addition to any other 236
court costs that the court is required or permitted by law to 237
impose upon the delinquent child or juvenile traffic offender: 238

(i) Thirty dollars if the offense is a felony; 239

(ii) Twenty dollars if the offense is a misdemeanor other 240
than a traffic offense that is not a moving violation; 241

(iii) Ten dollars if the offense is a traffic offense that is 242
not a moving violation, excluding parking violations. 243

(b) All moneys collected pursuant to division (A)(2)(a) of 244
this section during a month shall be transmitted on or before the 245
twentieth day of the following month by the clerk of the court to 246
the treasurer of state and deposited by the treasurer of state to 247
the credit of the indigent defense support fund established under 248
section 120.08 of the Revised Code. The thirty-, twenty-, or 249
ten-dollar court costs shall be collected in all cases unless the 250
court determines the juvenile is indigent and waives the payment 251
of all court costs, or enters an order on its journal stating that 252
it has determined that the juvenile is indigent, that no other 253
court costs are to be taxed in the case, and that the payment of 254
the thirty-, twenty-, or ten-dollar court costs is waived. 255

(B) Whenever a person is charged with any offense described 256
in division (A)(1) of this section, the court shall add to the 257
amount of the bail the thirty, twenty, or ten dollars required to 258
be paid by division (A)(1) of this section. The thirty, twenty, or 259
ten dollars shall be retained by the clerk of the court until the 260
person is convicted, pleads guilty, forfeits bail, is found not 261

guilty, or has the charges dismissed. If the person is convicted, 262
pleads guilty, or forfeits bail, the clerk shall transmit the 263
thirty, twenty, or ten dollars on or before the twentieth day of 264
the month following the month in which the person was convicted, 265
pleaded guilty, or forfeited bail to the treasurer of state, who 266
shall deposit it to the credit of the indigent defense support 267
fund established under section 120.08 of the Revised Code. If the 268
person is found not guilty or the charges are dismissed, the clerk 269
shall return the thirty, twenty, or ten dollars to the person. 270

(C) No person shall be placed or held in a detention facility 271
for failing to pay the additional thirty-, twenty-, or ten-dollar 272
court costs or bail that are required to be paid by this section. 273

(D) As used in this section: 274

(1) "Moving violation" and "bail" have the same meanings as 275
in section 2743.70 of the Revised Code. 276

(2) "Detention facility" has the same meaning as in section 277
2921.01 of the Revised Code. 278

(3) "Case" has the same meaning as in section 2947.23 of the 279
Revised Code. 280

Sec. 2953.08. (A) In addition to any other right to appeal 281
and except as provided in division (D) of this section, a 282
defendant who is convicted of or pleads guilty to a felony may 283
appeal as a matter of right the sentence imposed upon the 284
defendant on one of the following grounds: 285

(1) The sentence consisted of or included the maximum prison 286
term allowed for the offense by division (A) of section 2929.14 or 287
section 2929.142 of the Revised Code, the sentence was not imposed 288
pursuant to division (D)(3)(b) of section 2929.14 of the Revised 289
Code, the maximum prison term was not required for the offense 290
pursuant to Chapter 2925. or any other provision of the Revised 291

Code, and the court imposed the sentence under one of the 292
following circumstances: 293

(a) The sentence was imposed for only one offense. 294

(b) The sentence was imposed for two or more offenses arising 295
out of a single incident, and the court imposed the maximum prison 296
term for the offense of the highest degree. 297

(2) The sentence consisted of or included a prison term, the 298
offense for which it was imposed is a felony of the fourth or 299
fifth degree or is a felony drug offense that is a violation of a 300
provision of Chapter 2925. of the Revised Code and that is 301
specified as being subject to division (B) of section 2929.13 of 302
the Revised Code for purposes of sentencing, and the court did not 303
specify at sentencing that it found one or more factors specified 304
in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised 305
Code to apply relative to the defendant. If the court specifies 306
that it found one or more of those factors to apply relative to 307
the defendant, the defendant is not entitled under this division 308
to appeal as a matter of right the sentence imposed upon the 309
offender. 310

(3) The person was convicted of or pleaded guilty to a 311
violent sex offense or a designated homicide, assault, or 312
kidnapping offense, was adjudicated a sexually violent predator in 313
relation to that offense, and was sentenced pursuant to division 314
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 315
of the indefinite term imposed pursuant to division (A)(3) of 316
section 2971.03 of the Revised Code is the longest term available 317
for the offense from among the range of terms listed in section 318
2929.14 of the Revised Code. As used in this division, "designated 319
homicide, assault, or kidnapping offense" and "violent sex 320
offense" have the same meanings as in section 2971.01 of the 321
Revised Code. As used in this division, "adjudicated a sexually 322
violent predator" has the same meaning as in section 2929.01 of 323

the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.

(4) The sentence is contrary to law.

(5) The sentence consisted of an additional prison term of ten years imposed pursuant to division (D)(2)(a) of section 2929.14 of the Revised Code.

(6) The sentence consisted of an additional prison term of ten years imposed pursuant to division (D)(3)(b) of section 2929.14 of the Revised Code.

(B) In addition to any other right to appeal and except as provided in division (D) of this section, a prosecuting attorney, a city director of law, village solicitor, or similar chief legal officer of a municipal corporation, or the attorney general, if one of those persons prosecuted the case, may appeal as a matter of right a sentence imposed upon a defendant who is convicted of or pleads guilty to a felony or, in the circumstances described in division (B)(3) of this section the modification of a sentence imposed upon such a defendant, on any of the following grounds:

(1) The sentence did not include a prison term despite a presumption favoring a prison term for the offense for which it was imposed, as set forth in section 2929.13 or Chapter 2925. of the Revised Code.

(2) The sentence is contrary to law.

(3) The sentence is a modification under section 2929.20 of the Revised Code of a sentence that was imposed for a felony of the first or second degree.

(C)(1) In addition to the right to appeal a sentence granted under division (A) or (B) of this section, a defendant who is convicted of or pleads guilty to a felony may seek leave to appeal

a sentence imposed upon the defendant on the basis that the
sentencing judge has imposed consecutive sentences under division
(E)(3) or (4) of section 2929.14 of the Revised Code and that the
consecutive sentences exceed the maximum prison term allowed by
division (A) of that section for the most serious offense of which
the defendant was convicted. Upon the filing of a motion under
this division, the court of appeals may grant leave to appeal the
sentence if the court determines that the allegation included as
the basis of the motion is true.

(2) A defendant may seek leave to appeal an additional
sentence imposed upon the defendant pursuant to division (D)(2)(a)
or (b) of section 2929.14 of the Revised Code if the additional
sentence is for a definite prison term that is longer than five
years.

(D)(1) A sentence imposed upon a defendant is not subject to
review under this section if the sentence is authorized by law,
has been recommended jointly by the defendant and the prosecution
in the case, and is imposed by a sentencing judge.

(2) Except as provided in division (C)(2) of this section, a
sentence imposed upon a defendant is not subject to review under
this section if the sentence is imposed pursuant to division
(D)(2)(b) of section 2929.14 of the Revised Code. Except as
otherwise provided in this division, a defendant retains all
rights to appeal as provided under this chapter or any other
provision of the Revised Code. A defendant has the right to appeal
under this chapter or any other provision of the Revised Code the
court's application of division (D)(2)(c) of section 2929.14 of
the Revised Code.

(3) A sentence imposed for aggravated murder or murder
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not
subject to review under this section.

(E) A defendant, prosecuting attorney, city director of law, 385
village solicitor, or chief municipal legal officer shall file an 386
appeal of a sentence under this section to a court of appeals 387
within the time limits specified in Rule 4(B) of the Rules of 388
Appellate Procedure, provided that if the appeal is pursuant to 389
division (B)(3) of this section, the time limits specified in that 390
rule shall not commence running until the court grants the motion 391
that makes the sentence modification in question. A sentence 392
appeal under this section shall be consolidated with any other 393
appeal in the case. If no other appeal is filed, the court of 394
appeals may review only the portions of the trial record that 395
pertain to sentencing. 396

(F) On the appeal of a sentence under this section, the 397
record to be reviewed shall include all of the following, as 398
applicable: 399

(1) Any presentence, psychiatric, or other investigative 400
report that was submitted to the court in writing before the 401
sentence was imposed. An appellate court that reviews a 402
presentence investigation report prepared pursuant to section 403
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 404
connection with the appeal of a sentence under this section shall 405
comply with division (D)(3) of section 2951.03 of the Revised Code 406
when the appellate court is not using the presentence 407
investigation report, and the appellate court's use of a 408
presentence investigation report of that nature in connection with 409
the appeal of a sentence under this section does not affect the 410
otherwise confidential character of the contents of that report as 411
described in division (D)(1) of section 2951.03 of the Revised 412
Code and does not cause that report to become a public record, as 413
defined in section 149.43 of the Revised Code, following the 414
appellate court's use of the report. 415

(2) The trial record in the case in which the sentence was 416

imposed; 417

(3) Any oral or written statements made to or by the court at 418
the sentencing hearing at which the sentence was imposed; 419

(4) Any written findings that the court was required to make 420
in connection with the modification of the sentence pursuant to a 421
judicial release under division (I) of section 2929.20 of the 422
Revised Code. 423

(G)(1) If the sentencing court was required to make the 424
findings required by division (B) or (D) of section 2929.13, 425
division (D)(2)(e) or (E)(4) of section 2929.14, or division (I) 426
of section 2929.20 of the Revised Code relative to the imposition 427
or modification of the sentence, and if the sentencing court 428
failed to state the required findings on the record, the court 429
hearing an appeal under division (A), (B), or (C) of this section 430
shall remand the case to the sentencing court and instruct the 431
sentencing court to state, on the record, the required findings. 432

(2) The court hearing an appeal under division (A), (B), or 433
(C) of this section shall review the record, including the 434
findings underlying the sentence or modification given by the 435
sentencing court. 436

The appellate court may increase, reduce, or otherwise modify 437
a sentence that is appealed under this section or may vacate the 438
sentence and remand the matter to the sentencing court for 439
resentencing. The appellate court's standard for review is not 440
whether the sentencing court abused its discretion. The appellate 441
court may take any action authorized by this division if it 442
clearly and convincingly finds either of the following: 443

(a) That the record does not support the sentencing court's 444
findings under division (B) or (D) of section 2929.13, division 445
(D)(2)(e) or (E)(4) of section 2929.14, or division (I) of section 446
2929.20 of the Revised Code, whichever, if any, is relevant; 447

(b) That the sentence is otherwise contrary to law. 448

(H) A judgment or final order of a court of appeals under 449
this section may be appealed, by leave of court, to the supreme 450
court. 451

~~(I)(1) There is hereby established the felony sentence appeal 452
cost oversight committee, consisting of eight members. One member 453
shall be the chief justice of the supreme court or a 454
representative of the court designated by the chief justice, one 455
member shall be a member of the senate appointed by the president 456
of the senate, one member shall be a member of the house of 457
representatives appointed by the speaker of the house of 458
representatives, one member shall be the director of budget and 459
management or a representative of the office of budget and 460
management designated by the director, one member shall be a judge 461
of a court of appeals, court of common pleas, municipal court, or 462
county court appointed by the chief justice of the supreme court, 463
one member shall be the state public defender or a representative 464
of the office of the state public defender designated by the state 465
public defender, one member shall be a prosecuting attorney 466
appointed by the Ohio prosecuting attorneys association, and one 467
member shall be a county commissioner appointed by the county 468
commissioners association of Ohio. No more than three of the 469
appointed members of the committee may be members of the same 470
political party. 471~~

~~The president of the senate, the speaker of the house of 472
representatives, the chief justice of the supreme court, the Ohio 473
prosecuting attorneys association, and the county commissioners 474
association of Ohio shall make the initial appointments to the 475
committee of the appointed members no later than ninety days after 476
July 1, 1996. Of those initial appointments to the committee, the 477
members appointed by the speaker of the house of representatives 478
and the Ohio prosecuting attorneys association shall serve a term 479~~

~~ending two years after July 1, 1996, the member appointed by the~~ 480
~~chief justice of the supreme court shall serve a term ending three~~ 481
~~years after July 1, 1996, and the members appointed by the~~ 482
~~president of the senate and the county commissioners association~~ 483
~~of Ohio shall serve terms ending four years after July 1, 1996.~~ 484
~~Thereafter, terms of office of the appointed members shall be for~~ 485
~~four years, with each term ending on the same day of the same~~ 486
~~month as did the term that it succeeds. Members may be~~ 487
~~reappointed. Vacancies shall be filled in the same manner provided~~ 488
~~for original appointments. A member appointed to fill a vacancy~~ 489
~~occurring prior to the expiration of the term for which that~~ 490
~~member's predecessor was appointed shall hold office as a member~~ 491
~~for the remainder of the predecessor's term. An appointed member~~ 492
~~shall continue in office subsequent to the expiration date of that~~ 493
~~member's term until that member's successor takes office or until~~ 494
~~a period of sixty days has elapsed, whichever occurs first.~~ 495

~~If the chief justice of the supreme court, the director of~~ 496
~~the office of budget and management, or the state public defender~~ 497
~~serves as a member of the committee, that person's term of office~~ 498
~~as a member shall continue for as long as that person holds office~~ 499
~~as chief justice, director of the office of budget and management,~~ 500
~~or state public defender. If the chief justice of the supreme~~ 501
~~court designates a representative of the court to serve as a~~ 502
~~member, the director of budget and management designates a~~ 503
~~representative of the office of budget and management to serve as~~ 504
~~a member, or the state public defender designates a representative~~ 505
~~of the office of the state public defender to serve as a member,~~ 506
~~the person so designated shall serve as a member of the commission~~ 507
~~for as long as the official who made the designation holds office~~ 508
~~as chief justice, director of the office of budget and management,~~ 509
~~or state public defender or until that official revokes the~~ 510
~~designation.~~ 511

~~The chief justice of the supreme court or the representative
of the supreme court appointed by the chief justice shall serve as
chairperson of the committee. The committee shall meet within two
weeks after all appointed members have been appointed and shall
organize as necessary. Thereafter, the committee shall meet at
least once every six months or more often upon the call of the
chairperson or the written request of three or more members,
provided that the committee shall not meet unless moneys have been
appropriated to the judiciary budget administered by the supreme
court specifically for the purpose of providing financial
assistance to counties under division (I)(2) of this section and
the moneys so appropriated then are available for that purpose.~~

~~The members of the committee shall serve without
compensation, but, if moneys have been appropriated to the
judiciary budget administered by the supreme court specifically
for the purpose of providing financial assistance to counties
under division (I)(2) of this section, each member shall be
reimbursed out of the moneys so appropriated that then are
available for actual and necessary expenses incurred in the
performance of official duties as a committee member.~~

~~(2) The state criminal sentencing commission periodically
shall provide to the felony sentence appeal cost oversight
committee all data the commission collects pursuant to division
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the
data from the state criminal sentencing commission, the felony
sentence appeal cost oversight committee periodically shall review
the data; determine whether any money has been appropriated to the
judiciary budget administered by the supreme court specifically
for the purpose of providing state financial assistance to
counties in accordance with this division for the increase in
expenses the counties experience as a result of the felony
sentence appeal provisions set forth in this section or as a~~

~~result of a postconviction relief proceeding brought under 544~~
~~division (A)(2) of section 2953.21 of the Revised Code or an 545~~
~~appeal of a judgment in that proceeding; if it determines that any 546~~
~~money has been so appropriated, determine the total amount of 547~~
~~moneys that have been so appropriated specifically for that 548~~
~~purpose and that then are available for that purpose; and develop 549~~
~~a recommended method of distributing those moneys to the counties. 550~~
~~The committee shall send a copy of its recommendation to the 551~~
~~supreme court. Upon receipt of the committee's recommendation, the 552~~
~~supreme court shall distribute to the counties, based upon that 553~~
~~recommendation, the moneys that have been so appropriated 554~~
~~specifically for the purpose of providing state financial 555~~
~~assistance to counties under this division and that then are 556~~
~~available for that purpose. 557~~

Section 2. That existing sections 181.25, 2947.23, 2949.091, 558
and 2953.08 of the Revised Code are hereby repealed. 559