

As Reported by the House Judiciary and Ethics Committee

129th General Assembly

Regular Session

2011-2012

Sub. H. B. No. 247

Representative Butler

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

—

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 the court finds that an amount 96
owing to the court is due and uncollectible, in whole or in part, 97
the court may direct the clerk of the court to cancel all or part 98
of the claim. The clerk shall then effect the cancellation. 99

Sec. 1905.38. If at any time the court finds that an amount 100
owing to the court is due and uncollectible, in whole or in part, 101
the court may direct the clerk of the court to cancel all or part 102
of the claim. The clerk shall then effect the cancellation. 103

Sec. 1907.25. If at any time the court finds that an amount 104
owing to the court is due and uncollectible, in whole or in part, 105
the court may direct the clerk of the court to cancel all or part 106
of the claim. The clerk shall then effect the cancellation. 107

Sec. 1925.151. If at any time the court finds that an amount 108
owing to the court is due and uncollectible, in whole or in part, 109
the court may direct the clerk of the court to cancel all or part 110

of the claim. The clerk shall then effect the cancellation. 111

Sec. 2101.165. If at any time the court finds that an amount 112
owing to the court is due and uncollectible, in whole or in part, 113
the court may direct the clerk of the court to cancel all or part 114
of the claim. The clerk shall then effect the cancellation. 115

Sec. 2151.542. If at any time the court finds that an amount 116
owing to the court is due and uncollectible, in whole or in part, 117
the court may direct the clerk of the court to cancel all or part 118
of the claim. The clerk shall then effect the cancellation. 119

Sec. 2303.23. If at any time the court finds that an amount 120
owing to the court is due and uncollectible, in whole or in part, 121
the court may direct the clerk of the court to cancel all or part 122
of the claim. The clerk shall then effect the cancellation. 123

Sec. 2501.161. If at any time the court finds that an amount 124
owing to the court is due and uncollectible, in whole or in part, 125
the court may direct the clerk of the court to cancel all or part 126
of the claim. The clerk shall then effect the cancellation. 127

Sec. 2503.18. If at any time the court finds that an amount 128
owing to the court is due and uncollectible, in whole or in part, 129
the court may direct the clerk of the court to cancel all or part 130
of the claim. The clerk shall then effect the cancellation. 131

Sec. 2947.23. (A)(1) In all criminal cases, including 132
violations of ordinances, the judge or magistrate shall include in 133
the sentence the costs of prosecution, including any costs under 134
section 2947.231 of the Revised Code, and render a judgment 135
against the defendant for such costs. ~~At the time~~ If the judge or 136
magistrate imposes ~~sentence~~ a community control sanction or other 137

nonresidential sanction, the judge or magistrate, when imposing 138
the sanction, shall notify the defendant of both of the following: 139

(a) If the defendant fails to pay that judgment or fails to 140
timely make payments towards that judgment under a payment 141
schedule approved by the court, the court may order the defendant 142
to perform community service in an amount of not more than forty 143
hours per month until the judgment is paid or until the court is 144
satisfied that the defendant is in compliance with the approved 145
payment schedule. 146

(b) If the court orders the defendant to perform the 147
community service, the defendant will receive credit upon the 148
judgment at the specified hourly credit rate per hour of community 149
service performed, and each hour of community service performed 150
will reduce the judgment by that amount. 151

(2) The following shall apply in all criminal cases: 152

(a) If a jury has been sworn at the trial of a case, the fees 153
of the jurors shall be included in the costs, which shall be paid 154
to the public treasury from which the jurors were paid. 155

(b) If a jury has not been sworn at the trial of a case 156
because of a defendant's failure to appear without good cause, the 157
costs incurred in summoning jurors for that particular trial may 158
be included in the costs of prosecution. If the costs incurred in 159
summoning jurors are assessed against the defendant, those costs 160
shall be paid to the public treasury from which the jurors were 161
paid. 162

(B) If a judge or magistrate has reason to believe that a 163
defendant has failed to pay the judgment described in division (A) 164
of this section or has failed to timely make payments towards that 165
judgment under a payment schedule approved by the judge or 166
magistrate, the judge or magistrate shall hold a hearing to 167
determine whether to order the offender to perform community 168

service for that failure. The judge or magistrate shall notify 169
both the defendant and the prosecuting attorney of the place, 170
time, and date of the hearing and shall give each an opportunity 171
to present evidence. If, after the hearing, the judge or 172
magistrate determines that the defendant has failed to pay the 173
judgment or to timely make payments under the payment schedule and 174
that imposition of community service for the failure is 175
appropriate, the judge or magistrate may order the offender to 176
perform community service in an amount of not more than forty 177
hours per month until the judgment is paid or until the judge or 178
magistrate is satisfied that the offender is in compliance with 179
the approved payment schedule. If the judge or magistrate orders 180
the defendant to perform community service under this division, 181
the defendant shall receive credit upon the judgment at the 182
specified hourly credit rate per hour of community service 183
performed, and each hour of community service performed shall 184
reduce the judgment by that amount. Except for the credit and 185
reduction provided in this division, ordering an offender to 186
perform community service under this division does not lessen the 187
amount of the judgment and does not preclude the state from taking 188
any other action to execute the judgment. 189

(C) The court retains jurisdiction to waive, suspend, or 190
modify the payment of the costs of prosecution, including any 191
costs under section 2947.231 of the Revised Code, at the time of 192
sentencing or at any time thereafter. 193

(D) As used in this section, ~~"specified:~~ 194

(1) "Case" means a prosecution of all the charges that result 195
from the same act, transaction, or series of acts or transactions 196
and that are given the same case type designator and case number 197
under Rule 43 of the Rules of Superintendence for the Courts of 198
Ohio or any successor to that rule. 199

(2) "Specified hourly credit rate" means the wage rate that 200

is specified in 26 U.S.C.A. 206(a)(1) under the federal Fair Labor 201
Standards Act of 1938, that then is in effect, and that an 202
employer subject to that provision must pay per hour to each of 203
the employer's employees who is subject to that provision. 204

Sec. 2949.091. (A)(1)(a) The court in which any person is 205
convicted of or pleads guilty to any offense shall impose one of 206
the following sums as costs in the case in addition to any other 207
court costs that the court is required by law to impose upon the 208
offender: 209

(i) Thirty dollars if the offense is a felony; 210

(ii) Twenty dollars if the offense is a misdemeanor other 211
than a traffic offense that is not a moving violation; 212

(iii) Ten dollars if the offense is a traffic offense that is 213
not a moving violation, excluding parking violations. 214

(b) All moneys collected pursuant to division (A)(1)(a) of 215
this section during a month shall be transmitted on or before the 216
twentieth day of the following month by the clerk of the court to 217
the treasurer of state and deposited by the treasurer of state to 218
the credit of the indigent defense support fund established under 219
section 120.08 of the Revised Code. The court shall not waive the 220
payment of the additional thirty-, twenty-, or ten-dollar court 221
costs, unless the court determines that the offender is indigent 222
and waives the payment of all court costs imposed upon the 223
indigent offender. 224

(2)(a) The juvenile court in which a child is found to be a 225
delinquent child or a juvenile traffic offender for an act that, 226
if committed by an adult, would be an offense, shall impose one of 227
the following sums as costs in the case in addition to any other 228
court costs that the court is required or permitted by law to 229
impose upon the delinquent child or juvenile traffic offender: 230

(i) Thirty dollars if the offense is a felony; 231

(ii) Twenty dollars if the offense is a misdemeanor other 232
than a traffic offense that is not a moving violation; 233

(iii) Ten dollars if the offense is a traffic offense that is 234
not a moving violation, excluding parking violations. 235

(b) All moneys collected pursuant to division (A)(2)(a) of 236
this section during a month shall be transmitted on or before the 237
twentieth day of the following month by the clerk of the court to 238
the treasurer of state and deposited by the treasurer of state to 239
the credit of the indigent defense support fund established under 240
section 120.08 of the Revised Code. The thirty-, twenty-, or 241
ten-dollar court costs shall be collected in all cases unless the 242
court determines the juvenile is indigent and waives the payment 243
of all court costs, or enters an order on its journal stating that 244
it has determined that the juvenile is indigent, that no other 245
court costs are to be taxed in the case, and that the payment of 246
the thirty-, twenty-, or ten-dollar court costs is waived. 247

(B) Whenever a person is charged with any offense described 248
in division (A)(1) of this section, the court shall add to the 249
amount of the bail the thirty, twenty, or ten dollars required to 250
be paid by division (A)(1) of this section. The thirty, twenty, or 251
ten dollars shall be retained by the clerk of the court until the 252
person is convicted, pleads guilty, forfeits bail, is found not 253
guilty, or has the charges dismissed. If the person is convicted, 254
pleads guilty, or forfeits bail, the clerk shall transmit the 255
thirty, twenty, or ten dollars on or before the twentieth day of 256
the month following the month in which the person was convicted, 257
pleaded guilty, or forfeited bail to the treasurer of state, who 258
shall deposit it to the credit of the indigent defense support 259
fund established under section 120.08 of the Revised Code. If the 260
person is found not guilty or the charges are dismissed, the clerk 261
shall return the thirty, twenty, or ten dollars to the person. 262

(C) No person shall be placed or held in a detention facility 263
for failing to pay the additional thirty-, twenty-, or ten-dollar 264
court costs or bail that are required to be paid by this section. 265

(D) As used in this section: 266

(1) "Moving violation" and "bail" have the same meanings as 267
in section 2743.70 of the Revised Code. 268

(2) "Detention facility" has the same meaning as in section 269
2921.01 of the Revised Code. 270

(3) "Case" has the same meaning as in section 2947.23 of the 271
Revised Code. 272

Sec. 2953.08. (A) In addition to any other right to appeal 273
and except as provided in division (D) of this section, a 274
defendant who is convicted of or pleads guilty to a felony may 275
appeal as a matter of right the sentence imposed upon the 276
defendant on one of the following grounds: 277

(1) The sentence consisted of or included the maximum prison 278
term allowed for the offense by division (A) of section 2929.14 or 279
section 2929.142 of the Revised Code, the maximum prison term was 280
not required for the offense pursuant to Chapter 2925. or any 281
other provision of the Revised Code, and the court imposed the 282
sentence under one of the following circumstances: 283

(a) The sentence was imposed for only one offense. 284

(b) The sentence was imposed for two or more offenses arising 285
out of a single incident, and the court imposed the maximum prison 286
term for the offense of the highest degree. 287

(2) The sentence consisted of or included a prison term, the 288
offense for which it was imposed is a felony of the fourth or 289
fifth degree or is a felony drug offense that is a violation of a 290
provision of Chapter 2925. of the Revised Code and that is 291
specified as being subject to division (B) of section 2929.13 of 292

the Revised Code for purposes of sentencing, and the court did not 293
specify at sentencing that it found one or more factors specified 294
in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised 295
Code to apply relative to the defendant. If the court specifies 296
that it found one or more of those factors to apply relative to 297
the defendant, the defendant is not entitled under this division 298
to appeal as a matter of right the sentence imposed upon the 299
offender. 300

(3) The person was convicted of or pleaded guilty to a 301
violent sex offense or a designated homicide, assault, or 302
kidnapping offense, was adjudicated a sexually violent predator in 303
relation to that offense, and was sentenced pursuant to division 304
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 305
of the indefinite term imposed pursuant to division (A)(3) of 306
section 2971.03 of the Revised Code is the longest term available 307
for the offense from among the range of terms listed in section 308
2929.14 of the Revised Code. As used in this division, "designated 309
homicide, assault, or kidnapping offense" and "violent sex 310
offense" have the same meanings as in section 2971.01 of the 311
Revised Code. As used in this division, "adjudicated a sexually 312
violent predator" has the same meaning as in section 2929.01 of 313
the Revised Code, and a person is "adjudicated a sexually violent 314
predator" in the same manner and the same circumstances as are 315
described in that section. 316

(4) The sentence is contrary to law. 317

(5) The sentence consisted of an additional prison term of 318
ten years imposed pursuant to division (B)(2)(a) of section 319
2929.14 of the Revised Code. 320

(B) In addition to any other right to appeal and except as 321
provided in division (D) of this section, a prosecuting attorney, 322
a city director of law, village solicitor, or similar chief legal 323
officer of a municipal corporation, or the attorney general, if 324

one of those persons prosecuted the case, may appeal as a matter 325
of right a sentence imposed upon a defendant who is convicted of 326
or pleads guilty to a felony or, in the circumstances described in 327
division (B)(3) of this section the modification of a sentence 328
imposed upon such a defendant, on any of the following grounds: 329

(1) The sentence did not include a prison term despite a 330
presumption favoring a prison term for the offense for which it 331
was imposed, as set forth in section 2929.13 or Chapter 2925. of 332
the Revised Code. 333

(2) The sentence is contrary to law. 334

(3) The sentence is a modification under section 2929.20 of 335
the Revised Code of a sentence that was imposed for a felony of 336
the first or second degree. 337

(C)(1) In addition to the right to appeal a sentence granted 338
under division (A) or (B) of this section, a defendant who is 339
convicted of or pleads guilty to a felony may seek leave to appeal 340
a sentence imposed upon the defendant on the basis that the 341
sentencing judge has imposed consecutive sentences under division 342
(C)(3) of section 2929.14 of the Revised Code and that the 343
consecutive sentences exceed the maximum prison term allowed by 344
division (A) of that section for the most serious offense of which 345
the defendant was convicted. Upon the filing of a motion under 346
this division, the court of appeals may grant leave to appeal the 347
sentence if the court determines that the allegation included as 348
the basis of the motion is true. 349

(2) A defendant may seek leave to appeal an additional 350
sentence imposed upon the defendant pursuant to division (B)(2)(a) 351
or (b) of section 2929.14 of the Revised Code if the additional 352
sentence is for a definite prison term that is longer than five 353
years. 354

(D)(1) A sentence imposed upon a defendant is not subject to 355

review under this section if the sentence is authorized by law, 356
has been recommended jointly by the defendant and the prosecution 357
in the case, and is imposed by a sentencing judge. 358

(2) Except as provided in division (C)(2) of this section, a 359
sentence imposed upon a defendant is not subject to review under 360
this section if the sentence is imposed pursuant to division 361
(B)(2)(b) of section 2929.14 of the Revised Code. Except as 362
otherwise provided in this division, a defendant retains all 363
rights to appeal as provided under this chapter or any other 364
provision of the Revised Code. A defendant has the right to appeal 365
under this chapter or any other provision of the Revised Code the 366
court's application of division (B)(2)(c) of section 2929.14 of 367
the Revised Code. 368

(3) A sentence imposed for aggravated murder or murder 369
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 370
subject to review under this section. 371

(E) A defendant, prosecuting attorney, city director of law, 372
village solicitor, or chief municipal legal officer shall file an 373
appeal of a sentence under this section to a court of appeals 374
within the time limits specified in Rule 4(B) of the Rules of 375
Appellate Procedure, provided that if the appeal is pursuant to 376
division (B)(3) of this section, the time limits specified in that 377
rule shall not commence running until the court grants the motion 378
that makes the sentence modification in question. A sentence 379
appeal under this section shall be consolidated with any other 380
appeal in the case. If no other appeal is filed, the court of 381
appeals may review only the portions of the trial record that 382
pertain to sentencing. 383

(F) On the appeal of a sentence under this section, the 384
record to be reviewed shall include all of the following, as 385
applicable: 386

(1) Any presentence, psychiatric, or other investigative 387
report that was submitted to the court in writing before the 388
sentence was imposed. An appellate court that reviews a 389
presentence investigation report prepared pursuant to section 390
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 391
connection with the appeal of a sentence under this section shall 392
comply with division (D)(3) of section 2951.03 of the Revised Code 393
when the appellate court is not using the presentence 394
investigation report, and the appellate court's use of a 395
presentence investigation report of that nature in connection with 396
the appeal of a sentence under this section does not affect the 397
otherwise confidential character of the contents of that report as 398
described in division (D)(1) of section 2951.03 of the Revised 399
Code and does not cause that report to become a public record, as 400
defined in section 149.43 of the Revised Code, following the 401
appellate court's use of the report. 402

(2) The trial record in the case in which the sentence was 403
imposed; 404

(3) Any oral or written statements made to or by the court at 405
the sentencing hearing at which the sentence was imposed; 406

(4) Any written findings that the court was required to make 407
in connection with the modification of the sentence pursuant to a 408
judicial release under division (I) of section 2929.20 of the 409
Revised Code. 410

(G)(1) If the sentencing court was required to make the 411
findings required by division (B) or (D) of section 2929.13 or 412
division (I) of section 2929.20 of the Revised Code, or to state 413
the findings of the trier of fact required by division (B)(2)(e) 414
of section 2929.14 of the Revised Code, relative to the imposition 415
or modification of the sentence, and if the sentencing court 416
failed to state the required findings on the record, the court 417
hearing an appeal under division (A), (B), or (C) of this section 418

shall remand the case to the sentencing court and instruct the 419
sentencing court to state, on the record, the required findings. 420

(2) The court hearing an appeal under division (A), (B), or 421
(C) of this section shall review the record, including the 422
findings underlying the sentence or modification given by the 423
sentencing court. 424

The appellate court may increase, reduce, or otherwise modify 425
a sentence that is appealed under this section or may vacate the 426
sentence and remand the matter to the sentencing court for 427
resentencing. The appellate court's standard for review is not 428
whether the sentencing court abused its discretion. The appellate 429
court may take any action authorized by this division if it 430
clearly and convincingly finds either of the following: 431

(a) That the record does not support the sentencing court's 432
findings under division (B) or (D) of section 2929.13, division 433
(B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 434
2929.20 of the Revised Code, whichever, if any, is relevant; 435

(b) That the sentence is otherwise contrary to law. 436

(H) A judgment or final order of a court of appeals under 437
this section may be appealed, by leave of court, to the supreme 438
court. 439

~~(I)(1) There is hereby established the felony sentence appeal 440
cost oversight committee, consisting of eight members. One member 441
shall be the chief justice of the supreme court or a 442
representative of the court designated by the chief justice, one 443
member shall be a member of the senate appointed by the president 444
of the senate, one member shall be a member of the house of 445
representatives appointed by the speaker of the house of 446
representatives, one member shall be the director of budget and 447
management or a representative of the office of budget and 448
management designated by the director, one member shall be a judge 449~~

~~of a court of appeals, court of common pleas, municipal court, or 450
county court appointed by the chief justice of the supreme court, 451
one member shall be the state public defender or a representative 452
of the office of the state public defender designated by the state 453
public defender, one member shall be a prosecuting attorney 454
appointed by the Ohio prosecuting attorneys association, and one 455
member shall be a county commissioner appointed by the county 456
commissioners association of Ohio. No more than three of the 457
appointed members of the committee may be members of the same 458
political party. 459~~

~~The president of the senate, the speaker of the house of 460
representatives, the chief justice of the supreme court, the Ohio 461
prosecuting attorneys association, and the county commissioners 462
association of Ohio shall make the initial appointments to the 463
committee of the appointed members no later than ninety days after 464
July 1, 1996. Of those initial appointments to the committee, the 465
members appointed by the speaker of the house of representatives 466
and the Ohio prosecuting attorneys association shall serve a term 467
ending two years after July 1, 1996, the member appointed by the 468
chief justice of the supreme court shall serve a term ending three 469
years after July 1, 1996, and the members appointed by the 470
president of the senate and the county commissioners association 471
of Ohio shall serve terms ending four years after July 1, 1996. 472
Thereafter, terms of office of the appointed members shall be for 473
four years, with each term ending on the same day of the same 474
month as did the term that it succeeds. Members may be 475
reappointed. Vacancies shall be filled in the same manner provided 476
for original appointments. A member appointed to fill a vacancy 477
occurring prior to the expiration of the term for which that 478
member's predecessor was appointed shall hold office as a member 479
for the remainder of the predecessor's term. An appointed member 480
shall continue in office subsequent to the expiration date of that 481
member's term until that member's successor takes office or until 482~~

~~a period of sixty days has elapsed, whichever occurs first.~~ 483

~~If the chief justice of the supreme court, the director of 484
the office of budget and management, or the state public defender 485
serves as a member of the committee, that person's term of office 486
as a member shall continue for as long as that person holds office 487
as chief justice, director of the office of budget and management, 488
or state public defender. If the chief justice of the supreme 489
court designates a representative of the court to serve as a 490
member, the director of budget and management designates a 491
representative of the office of budget and management to serve as 492
a member, or the state public defender designates a representative 493
of the office of the state public defender to serve as a member, 494
the person so designated shall serve as a member of the commission 495
for as long as the official who made the designation holds office 496
as chief justice, director of the office of budget and management, 497
or state public defender or until that official revokes the 498
designation. 499~~

~~The chief justice of the supreme court or the representative 500
of the supreme court appointed by the chief justice shall serve as 501
chairperson of the committee. The committee shall meet within two 502
weeks after all appointed members have been appointed and shall 503
organize as necessary. Thereafter, the committee shall meet at 504
least once every six months or more often upon the call of the 505
chairperson or the written request of three or more members, 506
provided that the committee shall not meet unless moneys have been 507
appropriated to the judiciary budget administered by the supreme 508
court specifically for the purpose of providing financial 509
assistance to counties under division (I)(2) of this section and 510
the moneys so appropriated then are available for that purpose. 511~~

~~The members of the committee shall serve without 512
compensation, but, if moneys have been appropriated to the 513
judiciary budget administered by the supreme court specifically 514~~

~~for the purpose of providing financial assistance to counties 515~~
~~under division (I)(2) of this section, each member shall be 516~~
~~reimbursed out of the moneys so appropriated that then are 517~~
~~available for actual and necessary expenses incurred in the 518~~
~~performance of official duties as a committee member. 519~~

~~(2) The state criminal sentencing commission periodically 520~~
~~shall provide to the felony sentence appeal cost oversight 521~~
~~committee all data the commission collects pursuant to division 522~~
~~(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 523~~
~~data from the state criminal sentencing commission, the felony 524~~
~~sentence appeal cost oversight committee periodically shall review 525~~
~~the data; determine whether any money has been appropriated to the 526~~
~~judiciary budget administered by the supreme court specifically 527~~
~~for the purpose of providing state financial assistance to 528~~
~~counties in accordance with this division for the increase in 529~~
~~expenses the counties experience as a result of the felony 530~~
~~sentence appeal provisions set forth in this section or as a 531~~
~~result of a postconviction relief proceeding brought under 532~~
~~division (A)(2) of section 2953.21 of the Revised Code or an 533~~
~~appeal of a judgment in that proceeding; if it determines that any 534~~
~~money has been so appropriated, determine the total amount of 535~~
~~moneys that have been so appropriated specifically for that 536~~
~~purpose and that then are available for that purpose; and develop 537~~
~~a recommended method of distributing those moneys to the counties. 538~~
~~The committee shall send a copy of its recommendation to the 539~~
~~supreme court. Upon receipt of the committee's recommendation, the 540~~
~~supreme court shall distribute to the counties, based upon that 541~~
~~recommendation, the moneys that have been so appropriated 542~~
~~specifically for the purpose of providing state financial 543~~
~~assistance to counties under this division and that then are 544~~
~~available for that purpose. 545~~

Section 2. That existing sections 181.25, 2947.23, 2949.091, 546

and 2953.08 of the Revised Code are hereby repealed.

547