

# As Passed by the House

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Representative Butler

Cosponsors: Representatives Adams, R., Beck, Grossman, Henne, Huffman,  
Letson, Murray, Stebelton, Slaby, Bubp, Amstutz, Anielski, Antonio, Blair,  
Blessing, Boose, Carey, Clyde, Combs, Conditt, Damschroder, Duffey, Foley,  
Garland, Hackett, Hagan, C., Hall, Hayes, Hill, Lundy, Martin, Milkovich,  
Newbold, O'Brien, Pelanda, Peterson, Phillips, Rosenberger, Ruhl, Schuring,  
Sears, Sprague, Szollosi, Thompson, Weddington, Winburn

Speaker Batchelder

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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:**

<b>Section 1.</b> 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  
judgment under a payment schedule approved by the judge or  
magistrate, the judge or magistrate shall hold a hearing to  
determine whether to order the offender to perform community  
service for that failure. The judge or magistrate shall notify  
both the defendant and the prosecuting attorney of the place,  
time, and date of the hearing and shall give each an opportunity  
to present evidence. If, after the hearing, the judge or  
magistrate determines that the defendant has failed to pay the  
judgment or to timely make payments under the payment schedule and  
that imposition of community service for the failure is  
appropriate, the judge or magistrate may order the offender to  
perform community service in an amount of not more than forty  
hours per month until the judgment is paid or until the judge or  
magistrate is satisfied that the offender is in compliance with  
the approved payment schedule. If the judge or magistrate orders  
the defendant to perform community service under this division,  
the defendant shall receive credit upon the judgment at the  
specified hourly credit rate per hour of community service  
performed, and each hour of community service performed shall  
reduce the judgment by that amount. Except for the credit and  
reduction provided in this division, ordering an offender to  
perform community service under this division does not lessen the  
amount of the judgment and does not preclude the state from taking  
any other action to execute the judgment.

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

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

(1) "Case" means a prosecution of all the charges that result  
from the same act, transaction, or series of acts or transactions

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