

As Passed by the House

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 66

Representative Merrin

Cosponsors: Representatives Lang, Romanchuk, Vitale, Becker, Miller, A., Riedel, Zeltwanger, Schaffer, Jordan, Leland, Crossman, Galonski, Rogers, Seitz, Smith, T., Carfagna, Carruthers, Cross, DeVitis, Ginter, Green, Greenspan, Hambley, Holmes, A., Hoops, Jones, Keller, Kick, Lanese, Manning, D., McClain, Oelslager, Perales, Plummer, Powell, Reineke, Scherer, Sheehy, Stein, Stoltzfus, Wiggam

A BILL

To amend sections 2929.01, 2929.18, and 2929.28 of
the Revised Code to enact the "Theft Victims'
Restitution Act" to allow restitution for the
cost of accounting or auditing done to determine
the extent of a victim's economic loss.

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

Section 1. That sections 2929.01, 2929.18, and 2929.28 of
the Revised Code be amended to read as follows:

Sec. 2929.01. As used in this chapter:

(A) (1) "Alternative residential facility" means, subject
to division (A) (2) of this section, any facility other than an
offender's home or residence in which an offender is assigned to
live and that satisfies all of the following criteria:

(a) It provides programs through which the offender may
seek or maintain employment or may receive education, training,
treatment, or habilitation.

(b) It has received the appropriate license or certificate 16
for any specialized education, training, treatment, 17
habilitation, or other service that it provides from the 18
government agency that is responsible for licensing or 19
certifying that type of education, training, treatment, 20
habilitation, or service. 21

(2) "Alternative residential facility" does not include a 22
community-based correctional facility, jail, halfway house, or 23
prison. 24

(B) "Basic probation supervision" means a requirement that 25
the offender maintain contact with a person appointed to 26
supervise the offender in accordance with sanctions imposed by 27
the court or imposed by the parole board pursuant to section 28
2967.28 of the Revised Code. "Basic probation supervision" 29
includes basic parole supervision and basic post-release control 30
supervision. 31

(C) "Cocaine," "fentanyl-related compound," "hashish," 32
"L.S.D.," and "unit dose" have the same meanings as in section 33
2925.01 of the Revised Code. 34

(D) "Community-based correctional facility" means a 35
community-based correctional facility and program or district 36
community-based correctional facility and program developed 37
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 38

(E) "Community control sanction" means a sanction that is 39
not a prison term and that is described in section 2929.15, 40
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 41
that is not a jail term and that is described in section 42
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 43
control sanction" includes probation if the sentence involved 44

was imposed for a felony that was committed prior to July 1, 45
1996, or if the sentence involved was imposed for a misdemeanor 46
that was committed prior to January 1, 2004. 47

(F) "Controlled substance," "marihuana," "schedule I," and 48
"schedule II" have the same meanings as in section 3719.01 of 49
the Revised Code. 50

(G) "Curfew" means a requirement that an offender during a 51
specified period of time be at a designated place. 52

(H) "Day reporting" means a sanction pursuant to which an 53
offender is required each day to report to and leave a center or 54
other approved reporting location at specified times in order to 55
participate in work, education or training, treatment, and other 56
approved programs at the center or outside the center. 57

(I) "Deadly weapon" has the same meaning as in section 58
2923.11 of the Revised Code. 59

(J) "Drug and alcohol use monitoring" means a program 60
under which an offender agrees to submit to random chemical 61
analysis of the offender's blood, breath, or urine to determine 62
whether the offender has ingested any alcohol or other drugs. 63

(K) "Drug treatment program" means any program under which 64
a person undergoes assessment and treatment designed to reduce 65
or completely eliminate the person's physical or emotional 66
reliance upon alcohol, another drug, or alcohol and another drug 67
and under which the person may be required to receive assessment 68
and treatment on an outpatient basis or may be required to 69
reside at a facility other than the person's home or residence 70
while undergoing assessment and treatment. 71

(L) "Economic loss" means any economic detriment suffered 72
by a victim as a direct and proximate result of the commission 73

of an offense and includes any loss of income due to lost time 74
at work because of any injury caused to the victim, ~~and~~ any 75
property loss, medical cost, or funeral expense incurred as a 76
result of the commission of the offense, and the cost of any 77
accounting or auditing done to determine the extent of loss if 78
the cost is incurred and payable by the victim. "Economic loss" 79
does not include non-economic loss or any punitive or exemplary 80
damages. 81

(M) "Education or training" includes study at, or in 82
conjunction with a program offered by, a university, college, or 83
technical college or vocational study and also includes the 84
completion of primary school, secondary school, and literacy 85
curricula or their equivalent. 86

(N) "Firearm" has the same meaning as in section 2923.11 87
of the Revised Code. 88

(O) "Halfway house" means a facility licensed by the 89
division of parole and community services of the department of 90
rehabilitation and correction pursuant to section 2967.14 of the 91
Revised Code as a suitable facility for the care and treatment 92
of adult offenders. 93

(P) "House arrest" means a period of confinement of an 94
offender that is in the offender's home or in other premises 95
specified by the sentencing court or by the parole board 96
pursuant to section 2967.28 of the Revised Code and during which 97
all of the following apply: 98

(1) The offender is required to remain in the offender's 99
home or other specified premises for the specified period of 100
confinement, except for periods of time during which the 101
offender is at the offender's place of employment or at other 102

premises as authorized by the sentencing court or by the parole board.	103 104
(2) The offender is required to report periodically to a person designated by the court or parole board.	105 106
(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.	107 108 109
(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.	110 111 112 113 114 115 116 117 118 119
(R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state.	120 121 122 123 124
(S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction.	125 126 127 128 129
(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G)	130 131

of section 1547.99 of the Revised Code, division (E) of section 132
2903.06 or division (D) of section 2903.08 of the Revised Code, 133
division (E) or (G) of section 2929.24 of the Revised Code, 134
division (B) of section 4510.14 of the Revised Code, or division 135
(G) of section 4511.19 of the Revised Code or pursuant to any 136
other provision of the Revised Code that requires a term in a 137
jail for a misdemeanor conviction. 138

(U) "Delinquent child" has the same meaning as in section 139
2152.02 of the Revised Code. 140

(V) "License violation report" means a report that is made 141
by a sentencing court, or by the parole board pursuant to 142
section 2967.28 of the Revised Code, to the regulatory or 143
licensing board or agency that issued an offender a professional 144
license or a license or permit to do business in this state and 145
that specifies that the offender has been convicted of or 146
pleaded guilty to an offense that may violate the conditions 147
under which the offender's professional license or license or 148
permit to do business in this state was granted or an offense 149
for which the offender's professional license or license or 150
permit to do business in this state may be revoked or suspended. 151

(W) "Major drug offender" means an offender who is 152
convicted of or pleads guilty to the possession of, sale of, or 153
offer to sell any drug, compound, mixture, preparation, or 154
substance that consists of or contains at least one thousand 155
grams of hashish; at least one hundred grams of cocaine; at 156
least one thousand unit doses or one hundred grams of heroin; at 157
least five thousand unit doses of L.S.D. or five hundred grams 158
of L.S.D. in a liquid concentrate, liquid extract, or liquid 159
distillate form; at least fifty grams of a controlled substance 160
analog; at least one thousand unit doses or one hundred grams of 161

a fentanyl-related compound; or at least one hundred times the amount of any other schedule I or II controlled substance other than marihuana that is necessary to commit a felony of the third degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised Code that is based on the possession of, sale of, or offer to sell the controlled substance.

(X) "Mandatory prison term" means any of the following:

(1) Subject to division (X) (2) of this section, the term in prison that must be imposed for the offenses or circumstances set forth in divisions (F) (1) to (8) or (F) (12) to (21) of section 2929.13 and division (B) of section 2929.14 of the Revised Code. Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 2925.11 of the Revised Code, unless the maximum or another specific term is required under section 2929.14 or 2929.142 of the Revised Code, a mandatory prison term described in this division may be any prison term authorized for the level of offense except that if the offense is a felony of the first or second degree committed on or after ~~the effective date of this amendment~~ March 22, 2019, a mandatory prison term described in this division may be one of the terms prescribed in division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, whichever is applicable, that is authorized as the minimum term for the offense.

(2) The term of sixty or one hundred twenty days in prison that a sentencing court is required to impose for a third or fourth degree felony OVI offense pursuant to division (G) (2) of section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 of the Revised Code or the term of one, two, three, four, or five years in prison that a sentencing court is required to impose pursuant to division (G) (2) of section 2929.13 of the

Revised Code.	192
(3) The term in prison imposed pursuant to division (A) of section 2971.03 of the Revised Code for the offenses and in the circumstances described in division (F)(11) of section 2929.13 of the Revised Code or pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and that term as modified or terminated pursuant to section 2971.05 of the Revised Code.	193 194 195 196 197 198 199
(Y) "Monitored time" means a period of time during which an offender continues to be under the control of the sentencing court or parole board, subject to no conditions other than leading a law-abiding life.	200 201 202 203
(Z) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.	204 205
(AA) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction and includes a violation sanction center operated under authority of section 2967.141 of the Revised Code.	206 207 208 209 210
(BB)(1) "Prison term" includes either of the following sanctions for an offender:	211 212
(a) A stated prison term;	213
(b) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.143, 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	214 215 216
(2) With respect to a non-life felony indefinite prison term, references in any provision of law to a reduction of, or deduction from, the prison term mean a reduction in, or	217 218 219

deduction from, the minimum term imposed as part of the	220
indefinite term.	221
(CC) "Repeat violent offender" means a person about whom	222
both of the following apply:	223
(1) The person is being sentenced for committing or for	224
complicity in committing any of the following:	225
(a) Aggravated murder, murder, any felony of the first or	226
second degree that is an offense of violence, or an attempt to	227
commit any of these offenses if the attempt is a felony of the	228
first or second degree;	229
(b) An offense under an existing or former law of this	230
state, another state, or the United States that is or was	231
substantially equivalent to an offense described in division	232
(CC) (1) (a) of this section.	233
(2) The person previously was convicted of or pleaded	234
guilty to an offense described in division (CC) (1) (a) or (b) of	235
this section.	236
(DD) "Sanction" means any penalty imposed upon an offender	237
who is convicted of or pleads guilty to an offense, as	238
punishment for the offense. "Sanction" includes any sanction	239
imposed pursuant to any provision of sections 2929.14 to 2929.18	240
or 2929.24 to 2929.28 of the Revised Code.	241
(EE) "Sentence" means the sanction or combination of	242
sanctions imposed by the sentencing court on an offender who is	243
convicted of or pleads guilty to an offense.	244
(FF) (1) "Stated prison term" means the prison term,	245
mandatory prison term, or combination of all prison terms and	246
mandatory prison terms imposed by the sentencing court pursuant	247

to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 248
under section 2919.25 of the Revised Code. "Stated prison term" 249
includes any credit received by the offender for time spent in 250
jail awaiting trial, sentencing, or transfer to prison for the 251
offense and any time spent under house arrest or house arrest 252
with electronic monitoring imposed after earning credits 253
pursuant to section 2967.193 of the Revised Code. If an offender 254
is serving a prison term as a risk reduction sentence under 255
sections 2929.143 and 5120.036 of the Revised Code, "stated 256
prison term" includes any period of time by which the prison 257
term imposed upon the offender is shortened by the offender's 258
successful completion of all assessment and treatment or 259
programming pursuant to those sections. 260

(2) As used in the definition of "stated prison term" set 261
forth in division (FF)(1) of this section, a prison term is a 262
definite prison term imposed under section 2929.14 of the 263
Revised Code or any other provision of law, is the minimum and 264
maximum prison terms under a non-life felony indefinite prison 265
term, or is a term of life imprisonment except to the extent 266
that the use of that definition in a section of the Revised Code 267
clearly is not intended to include a term of life imprisonment. 268
With respect to an offender sentenced to a non-life felony 269
indefinite prison term, references in section 2967.191 or 270
2967.193 of the Revised Code or any other provision of law to a 271
reduction of, or deduction from, the offender's stated prison 272
term or to release of the offender before the expiration of the 273
offender's stated prison term mean a reduction in, or deduction 274
from, the minimum term imposed as part of the indefinite term or 275
a release of the offender before the expiration of that minimum 276
term, references in section 2929.19 or 2967.28 of the Revised 277
Code to a stated prison term with respect to a prison term 278

imposed for a violation of a post-release control sanction mean 279
the minimum term so imposed, and references in any provision of 280
law to an offender's service of the offender's stated prison 281
term or the expiration of the offender's stated prison term mean 282
service or expiration of the minimum term so imposed plus any 283
additional period of incarceration under the sentence that is 284
required under section 2967.271 of the Revised Code. 285

(GG) "Victim-offender mediation" means a reconciliation or 286
mediation program that involves an offender and the victim of 287
the offense committed by the offender and that includes a 288
meeting in which the offender and the victim may discuss the 289
offense, discuss restitution, and consider other sanctions for 290
the offense. 291

(HH) "Fourth degree felony OVI offense" means a violation 292
of division (A) of section 4511.19 of the Revised Code that, 293
under division (G) of that section, is a felony of the fourth 294
degree. 295

(II) "Mandatory term of local incarceration" means the 296
term of sixty or one hundred twenty days in a jail, a community- 297
based correctional facility, a halfway house, or an alternative 298
residential facility that a sentencing court may impose upon a 299
person who is convicted of or pleads guilty to a fourth degree 300
felony OVI offense pursuant to division (G)(1) of section 301
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 302
section 4511.19 of the Revised Code. 303

(JJ) "Designated homicide, assault, or kidnapping 304
offense," "violent sex offense," "sexual motivation 305
specification," "sexually violent offense," "sexually violent 306
predator," and "sexually violent predator specification" have 307
the same meanings as in section 2971.01 of the Revised Code. 308

(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code.

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense.

(MM) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(NN) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code.

(OO) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.

(PP) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree.

(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.

(SS) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.

(TT) "Electronic monitoring" means monitoring through the

use of an electronic monitoring device. 337

(UU) "Electronic monitoring device" means any of the 338
following: 339

(1) Any device that can be operated by electrical or 340
battery power and that conforms with all of the following: 341

(a) The device has a transmitter that can be attached to a 342
person, that will transmit a specified signal to a receiver of 343
the type described in division (UU) (1) (b) of this section if the 344
transmitter is removed from the person, turned off, or altered 345
in any manner without prior court approval in relation to 346
electronic monitoring or without prior approval of the 347
department of rehabilitation and correction in relation to the 348
use of an electronic monitoring device for an inmate on 349
transitional control or otherwise is tampered with, that can 350
transmit continuously and periodically a signal to that receiver 351
when the person is within a specified distance from the 352
receiver, and that can transmit an appropriate signal to that 353
receiver if the person to whom it is attached travels a 354
specified distance from that receiver. 355

(b) The device has a receiver that can receive 356
continuously the signals transmitted by a transmitter of the 357
type described in division (UU) (1) (a) of this section, can 358
transmit continuously those signals by a wireless or landline 359
telephone connection to a central monitoring computer of the 360
type described in division (UU) (1) (c) of this section, and can 361
transmit continuously an appropriate signal to that central 362
monitoring computer if the device has been turned off or altered 363
without prior court approval or otherwise tampered with. The 364
device is designed specifically for use in electronic 365
monitoring, is not a converted wireless phone or another 366

tracking device that is clearly not designed for electronic 367
monitoring, and provides a means of text-based or voice 368
communication with the person. 369

(c) The device has a central monitoring computer that can 370
receive continuously the signals transmitted by a wireless or 371
landline telephone connection by a receiver of the type 372
described in division (UU) (1) (b) of this section and can monitor 373
continuously the person to whom an electronic monitoring device 374
of the type described in division (UU) (1) (a) of this section is 375
attached. 376

(2) Any device that is not a device of the type described 377
in division (UU) (1) of this section and that conforms with all 378
of the following: 379

(a) The device includes a transmitter and receiver that 380
can monitor and determine the location of a subject person at 381
any time, or at a designated point in time, through the use of a 382
central monitoring computer or through other electronic means. 383

(b) The device includes a transmitter and receiver that 384
can determine at any time, or at a designated point in time, 385
through the use of a central monitoring computer or other 386
electronic means the fact that the transmitter is turned off or 387
altered in any manner without prior approval of the court in 388
relation to the electronic monitoring or without prior approval 389
of the department of rehabilitation and correction in relation 390
to the use of an electronic monitoring device for an inmate on 391
transitional control or otherwise is tampered with. 392

(3) Any type of technology that can adequately track or 393
determine the location of a subject person at any time and that 394
is approved by the director of rehabilitation and correction, 395

including, but not limited to, any satellite technology, voice 396
tracking system, or retinal scanning system that is so approved. 397

(VV) "Non-economic loss" means nonpecuniary harm suffered 398
by a victim of an offense as a result of or related to the 399
commission of the offense, including, but not limited to, pain 400
and suffering; loss of society, consortium, companionship, care, 401
assistance, attention, protection, advice, guidance, counsel, 402
instruction, training, or education; mental anguish; and any 403
other intangible loss. 404

(WW) "Prosecutor" has the same meaning as in section 405
2935.01 of the Revised Code. 406

(XX) "Continuous alcohol monitoring" means the ability to 407
automatically test and periodically transmit alcohol consumption 408
levels and tamper attempts at least every hour, regardless of 409
the location of the person who is being monitored. 410

(YY) A person is "adjudicated a sexually violent predator" 411
if the person is convicted of or pleads guilty to a violent sex 412
offense and also is convicted of or pleads guilty to a sexually 413
violent predator specification that was included in the 414
indictment, count in the indictment, or information charging 415
that violent sex offense or if the person is convicted of or 416
pleads guilty to a designated homicide, assault, or kidnapping 417
offense and also is convicted of or pleads guilty to both a 418
sexual motivation specification and a sexually violent predator 419
specification that were included in the indictment, count in the 420
indictment, or information charging that designated homicide, 421
assault, or kidnapping offense. 422

(ZZ) An offense is "committed in proximity to a school" if 423
the offender commits the offense in a school safety zone or 424

within five hundred feet of any school building or the 425
boundaries of any school premises, regardless of whether the 426
offender knows the offense is being committed in a school safety 427
zone or within five hundred feet of any school building or the 428
boundaries of any school premises. 429

(AAA) "Human trafficking" means a scheme or plan to which 430
all of the following apply: 431

(1) Its object is one or more of the following: 432

(a) To subject a victim or victims to involuntary 433
servitude, as defined in section 2905.31 of the Revised Code or 434
to compel a victim or victims to engage in sexual activity for 435
hire, to engage in a performance that is obscene, sexually 436
oriented, or nudity oriented, or to be a model or participant in 437
the production of material that is obscene, sexually oriented, 438
or nudity oriented; 439

(b) To facilitate, encourage, or recruit a victim who is 440
less than sixteen years of age or is a person with a 441
developmental disability, or victims who are less than sixteen 442
years of age or are persons with developmental disabilities, for 443
any purpose listed in divisions (A) (2) (a) to (c) of section 444
2905.32 of the Revised Code; 445

(c) To facilitate, encourage, or recruit a victim who is 446
sixteen or seventeen years of age, or victims who are sixteen or 447
seventeen years of age, for any purpose listed in divisions (A) 448
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 449
circumstances described in division (A) (5), (6), (7), (8), (9), 450
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 451
apply with respect to the person engaging in the conduct and the 452
victim or victims. 453

(2) It involves at least two felony offenses, whether or 454
not there has been a prior conviction for any of the felony 455
offenses, to which all of the following apply: 456

(a) Each of the felony offenses is a violation of section 457
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 458
division (A) (1) or (2) of section 2907.323, or division (B) (1), 459
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 460
is a violation of a law of any state other than this state that 461
is substantially similar to any of the sections or divisions of 462
the Revised Code identified in this division. 463

(b) At least one of the felony offenses was committed in 464
this state. 465

(c) The felony offenses are related to the same scheme or 466
plan and are not isolated instances. 467

(BBB) "Material," "nudity," "obscene," "performance," and 468
"sexual activity" have the same meanings as in section 2907.01 469
of the Revised Code. 470

(CCC) "Material that is obscene, sexually oriented, or 471
nudity oriented" means any material that is obscene, that shows 472
a person participating or engaging in sexual activity, 473
masturbation, or bestiality, or that shows a person in a state 474
of nudity. 475

(DDD) "Performance that is obscene, sexually oriented, or 476
nudity oriented" means any performance that is obscene, that 477
shows a person participating or engaging in sexual activity, 478
masturbation, or bestiality, or that shows a person in a state 479
of nudity. 480

(EEE) "Accelerant" means a fuel or oxidizing agent, such 481
as an ignitable liquid, used to initiate a fire or increase the 482

rate of growth or spread of a fire. 483

(FFF) "Permanent disabling harm" means serious physical 484
harm that results in permanent injury to the intellectual, 485
physical, or sensory functions and that permanently and 486
substantially impairs a person's ability to meet one or more of 487
the ordinary demands of life, including the functions of caring 488
for one's self, performing manual tasks, walking, seeing, 489
hearing, speaking, breathing, learning, and working. 490

(GGG) "Non-life felony indefinite prison term" means a 491
prison term imposed under division (A) (1) (a) or (2) (a) of 492
section 2929.14 and section 2929.144 of the Revised Code for a 493
felony of the first or second degree committed on or after ~~the~~ 494
~~effective date of this amendment~~ March 22, 2019. 495

Sec. 2929.18. (A) Except as otherwise provided in this 496
division and in addition to imposing court costs pursuant to 497
section 2947.23 of the Revised Code, the court imposing a 498
sentence upon an offender for a felony may sentence the offender 499
to any financial sanction or combination of financial sanctions 500
authorized under this section or, in the circumstances specified 501
in section 2929.32 of the Revised Code, may impose upon the 502
offender a fine in accordance with that section. Financial 503
sanctions that may be imposed pursuant to this section include, 504
but are not limited to, the following: 505

(1) Restitution by the offender to the victim of the 506
offender's crime or any survivor of the victim, in an amount 507
based on the victim's economic loss. If the court imposes 508
restitution, the court shall order that the restitution be made 509
to the victim in open court, to the adult probation department 510
that serves the county on behalf of the victim, to the clerk of 511
courts, or to another agency designated by the court. If the 512

court imposes restitution, at sentencing, the court shall 513
determine the amount of restitution to be made by the offender. 514
If the court imposes restitution, the court may base the amount 515
of restitution it orders on an amount recommended by the victim, 516
the offender, a presentence investigation report, estimates or 517
receipts indicating the cost of repairing or replacing property, 518
and other information, provided that the amount the court orders 519
as restitution shall not exceed the amount of the economic loss 520
suffered by the victim as a direct and proximate result of the 521
commission of the offense. If the court imposes restitution for 522
the cost of accounting or auditing done to determine the extent 523
of economic loss, the court may order restitution for any amount 524
of the victim's costs of accounting or auditing provided that 525
the amount of restitution is reasonable and does not exceed the 526
value of property or services stolen or damaged as a result of 527
the offense. If the court decides to impose restitution, the 528
court shall hold a hearing on restitution if the offender, 529
victim, or survivor disputes the amount. All restitution 530
payments shall be credited against any recovery of economic loss 531
in a civil action brought by the victim or any survivor of the 532
victim against the offender. 533

If the court imposes restitution, the court may order that 534
the offender pay a surcharge of not more than five per cent of 535
the amount of the restitution otherwise ordered to the entity 536
responsible for collecting and processing restitution payments. 537

The victim or survivor may request that the prosecutor in 538
the case file a motion, or the offender may file a motion, for 539
modification of the payment terms of any restitution ordered. If 540
the court grants the motion, it may modify the payment terms as 541
it determines appropriate. 542

(2) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision, or as described in division (B)(2) of this section to one or more law enforcement agencies, with the amount of the fine based on a standard percentage of the offender's daily income over a period of time determined by the court and based upon the seriousness of the offense. A fine ordered under this division shall not exceed the maximum conventional fine amount authorized for the level of the offense under division (A)(3) of this section.

(3) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five thousand dollars;

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.

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

(5)(a) Reimbursement by the offender of any or all of the

costs of sanctions incurred by the government, including the 571
following: 572

(i) All or part of the costs of implementing any community 573
control sanction, including a supervision fee under section 574
2951.021 of the Revised Code; 575

(ii) All or part of the costs of confinement under a 576
sanction imposed pursuant to section 2929.14, 2929.142, or 577
2929.16 of the Revised Code, provided that the amount of 578
reimbursement ordered under this division shall not exceed the 579
total amount of reimbursement the offender is able to pay as 580
determined at a hearing and shall not exceed the actual cost of 581
the confinement; 582

(iii) All or part of the cost of purchasing and using an 583
immobilizing or disabling device, including a certified ignition 584
interlock device, or a remote alcohol monitoring device that a 585
court orders an offender to use under section 4510.13 of the 586
Revised Code. 587

(b) If the offender is sentenced to a sanction of 588
confinement pursuant to section 2929.14 or 2929.16 of the 589
Revised Code that is to be served in a facility operated by a 590
board of county commissioners, a legislative authority of a 591
municipal corporation, or another local governmental entity, if, 592
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 593
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 594
section 2929.37 of the Revised Code, the board, legislative 595
authority, or other local governmental entity requires prisoners 596
to reimburse the county, municipal corporation, or other entity 597
for its expenses incurred by reason of the prisoner's 598
confinement, and if the court does not impose a financial 599
sanction under division (A) (5) (a) (ii) of this section, 600

confinement costs may be assessed pursuant to section 2929.37 of 601
the Revised Code. In addition, the offender may be required to 602
pay the fees specified in section 2929.38 of the Revised Code in 603
accordance with that section. 604

(c) Reimbursement by the offender for costs pursuant to 605
section 2929.71 of the Revised Code. 606

(B) (1) For a first, second, or third degree felony 607
violation of any provision of Chapter 2925., 3719., or 4729. of 608
the Revised Code, the sentencing court shall impose upon the 609
offender a mandatory fine of at least one-half of, but not more 610
than, the maximum statutory fine amount authorized for the level 611
of the offense pursuant to division (A) (3) of this section. If 612
an offender alleges in an affidavit filed with the court prior 613
to sentencing that the offender is indigent and unable to pay 614
the mandatory fine and if the court determines the offender is 615
an indigent person and is unable to pay the mandatory fine 616
described in this division, the court shall not impose the 617
mandatory fine upon the offender. 618

(2) Any mandatory fine imposed upon an offender under 619
division (B) (1) of this section and any fine imposed upon an 620
offender under division (A) (2) or (3) of this section for any 621
fourth or fifth degree felony violation of any provision of 622
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 623
to law enforcement agencies pursuant to division (F) of section 624
2925.03 of the Revised Code. 625

(3) For a fourth degree felony OVI offense and for a third 626
degree felony OVI offense, the sentencing court shall impose 627
upon the offender a mandatory fine in the amount specified in 628
division (G) (1) (d) or (e) of section 4511.19 of the Revised 629
Code, whichever is applicable. The mandatory fine so imposed 630

shall be disbursed as provided in the division pursuant to which 631
it is imposed. 632

(4) Notwithstanding any fine otherwise authorized or 633
required to be imposed under division (A) (2) or (3) or (B) (1) of 634
this section or section 2929.31 of the Revised Code for a 635
violation of section 2925.03 of the Revised Code, in addition to 636
any penalty or sanction imposed for that offense under section 637
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 638
in addition to the forfeiture of property in connection with the 639
offense as prescribed in Chapter 2981. of the Revised Code, the 640
court that sentences an offender for a violation of section 641
2925.03 of the Revised Code may impose upon the offender a fine 642
in addition to any fine imposed under division (A) (2) or (3) of 643
this section and in addition to any mandatory fine imposed under 644
division (B) (1) of this section. The fine imposed under division 645
(B) (4) of this section shall be used as provided in division (H) 646
of section 2925.03 of the Revised Code. A fine imposed under 647
division (B) (4) of this section shall not exceed whichever of 648
the following is applicable: 649

(a) The total value of any personal or real property in 650
which the offender has an interest and that was used in the 651
course of, intended for use in the course of, derived from, or 652
realized through conduct in violation of section 2925.03 of the 653
Revised Code, including any property that constitutes proceeds 654
derived from that offense; 655

(b) If the offender has no interest in any property of the 656
type described in division (B) (4) (a) of this section or if it is 657
not possible to ascertain whether the offender has an interest 658
in any property of that type in which the offender may have an 659
interest, the amount of the mandatory fine for the offense 660

imposed under division (B) (1) of this section or, if no 661
mandatory fine is imposed under division (B) (1) of this section, 662
the amount of the fine authorized for the level of the offense 663
imposed under division (A) (3) of this section. 664

(5) Prior to imposing a fine under division (B) (4) of this 665
section, the court shall determine whether the offender has an 666
interest in any property of the type described in division (B) 667
(4) (a) of this section. Except as provided in division (B) (6) or 668
(7) of this section, a fine that is authorized and imposed under 669
division (B) (4) of this section does not limit or affect the 670
imposition of the penalties and sanctions for a violation of 671
section 2925.03 of the Revised Code prescribed under those 672
sections or sections 2929.11 to 2929.18 of the Revised Code and 673
does not limit or affect a forfeiture of property in connection 674
with the offense as prescribed in Chapter 2981. of the Revised 675
Code. 676

(6) If the sum total of a mandatory fine amount imposed 677
for a first, second, or third degree felony violation of section 678
2925.03 of the Revised Code under division (B) (1) of this 679
section plus the amount of any fine imposed under division (B) 680
(4) of this section does not exceed the maximum statutory fine 681
amount authorized for the level of the offense under division 682
(A) (3) of this section or section 2929.31 of the Revised Code, 683
the court may impose a fine for the offense in addition to the 684
mandatory fine and the fine imposed under division (B) (4) of 685
this section. The sum total of the amounts of the mandatory 686
fine, the fine imposed under division (B) (4) of this section, 687
and the additional fine imposed under division (B) (6) of this 688
section shall not exceed the maximum statutory fine amount 689
authorized for the level of the offense under division (A) (3) of 690
this section or section 2929.31 of the Revised Code. The clerk 691

of the court shall pay any fine that is imposed under division 692
(B) (6) of this section to the county, township, municipal 693
corporation, park district as created pursuant to section 511.18 694
or 1545.04 of the Revised Code, or state law enforcement 695
agencies in this state that primarily were responsible for or 696
involved in making the arrest of, and in prosecuting, the 697
offender pursuant to division (F) of section 2925.03 of the 698
Revised Code. 699

(7) If the sum total of the amount of a mandatory fine 700
imposed for a first, second, or third degree felony violation of 701
section 2925.03 of the Revised Code plus the amount of any fine 702
imposed under division (B) (4) of this section exceeds the 703
maximum statutory fine amount authorized for the level of the 704
offense under division (A) (3) of this section or section 2929.31 705
of the Revised Code, the court shall not impose a fine under 706
division (B) (6) of this section. 707

(8) (a) If an offender who is convicted of or pleads guilty 708
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 709
2923.32, division (A) (1) or (2) of section 2907.323 involving a 710
minor, or division (B) (1), (2), (3), (4), or (5) of section 711
2919.22 of the Revised Code also is convicted of or pleads 712
guilty to a specification of the type described in section 713
2941.1422 of the Revised Code that charges that the offender 714
knowingly committed the offense in furtherance of human 715
trafficking, the sentencing court shall sentence the offender to 716
a financial sanction of restitution by the offender to the 717
victim or any survivor of the victim, with the restitution 718
including the costs of housing, counseling, and medical and 719
legal assistance incurred by the victim as a direct result of 720
the offense and the greater of the following: 721

(i) The gross income or value to the offender of the victim's labor or services; 722
723

(ii) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state labor laws. 724
725
726
727

(b) If a court imposing sentence upon an offender for a felony is required to impose upon the offender a financial sanction of restitution under division (B) (8) (a) of this section, in addition to that financial sanction of restitution, the court may sentence the offender to any other financial sanction or combination of financial sanctions authorized under this section, including a restitution sanction under division (A) (1) of this section. 728
729
730
731
732
733
734
735

(9) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for a felony that is a sexually oriented offense or a child-victim oriented offense, as those terms are defined in section 2950.01 of the Revised Code, may impose a fine of not less than fifty nor more than five hundred dollars. 736
737
738
739
740
741

(10) For a felony violation of division (A) of section 2921.321 of the Revised Code that results in the death of the police dog or horse that is the subject of the violation, the sentencing court shall impose upon the offender a mandatory fine from the range of fines provided under division (A) (3) of this section for a felony of the third degree. A mandatory fine imposed upon an offender under division (B) (10) of this section shall be paid to the law enforcement agency that was served by the police dog or horse that was killed in the felony violation of division (A) of section 2921.321 of the Revised Code to be 742
743
744
745
746
747
748
749
750
751

used as provided in division (E) (1) (b) of that section. 752

(11) In addition to any other fine that is or may be 753
imposed under this section, the court imposing sentence upon an 754
offender for any of the following offenses that is a felony may 755
impose a fine of not less than seventy nor more than five 756
hundred dollars, which shall be transmitted to the treasurer of 757
state to be credited to the address confidentiality program fund 758
created by section 111.48 of the Revised Code: 759

(a) Domestic violence; 760

(b) Menacing by stalking; 761

(c) Rape; 762

(d) Sexual battery; 763

(e) Trafficking in persons; 764

(f) A violation of section 2905.01, 2905.02, 2907.21, 765
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 766
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 767
section 2919.22 of the Revised Code, if the offender also is 768
convicted of a specification of the type described in section 769
2941.1422 of the Revised Code that charges that the offender 770
knowingly committed the offense in furtherance of human 771
trafficking. 772

(C) (1) Except as provided in section 2951.021 of the 773
Revised Code, the offender shall pay reimbursements imposed upon 774
the offender pursuant to division (A) (5) (a) of this section to 775
pay the costs incurred by a county pursuant to any sanction 776
imposed under this section or section 2929.16 or 2929.17 of the 777
Revised Code or in operating a facility used to confine 778
offenders pursuant to a sanction imposed under section 2929.16 779

of the Revised Code to the county treasurer. The county 780
treasurer shall deposit the reimbursements in the sanction cost 781
reimbursement fund that each board of county commissioners shall 782
create in its county treasury. The county shall use the amounts 783
deposited in the fund to pay the costs incurred by the county 784
pursuant to any sanction imposed under this section or section 785
2929.16 or 2929.17 of the Revised Code or in operating a 786
facility used to confine offenders pursuant to a sanction 787
imposed under section 2929.16 of the Revised Code. 788

(2) Except as provided in section 2951.021 of the Revised 789
Code, the offender shall pay reimbursements imposed upon the 790
offender pursuant to division (A) (5) (a) of this section to pay 791
the costs incurred by a municipal corporation pursuant to any 792
sanction imposed under this section or section 2929.16 or 793
2929.17 of the Revised Code or in operating a facility used to 794
confine offenders pursuant to a sanction imposed under section 795
2929.16 of the Revised Code to the treasurer of the municipal 796
corporation. The treasurer shall deposit the reimbursements in a 797
special fund that shall be established in the treasury of each 798
municipal corporation. The municipal corporation shall use the 799
amounts deposited in the fund to pay the costs incurred by the 800
municipal corporation pursuant to any sanction imposed under 801
this section or section 2929.16 or 2929.17 of the Revised Code 802
or in operating a facility used to confine offenders pursuant to 803
a sanction imposed under section 2929.16 of the Revised Code. 804

(3) Except as provided in section 2951.021 of the Revised 805
Code, the offender shall pay reimbursements imposed pursuant to 806
division (A) (5) (a) of this section for the costs incurred by a 807
private provider pursuant to a sanction imposed under this 808
section or section 2929.16 or 2929.17 of the Revised Code to the 809
provider. 810

(D) Except as otherwise provided in this division, a 811
financial sanction imposed pursuant to division (A) or (B) of 812
this section is a judgment in favor of the state or a political 813
subdivision in which the court that imposed the financial 814
sanction is located, and the offender subject to the financial 815
sanction is the judgment debtor. A financial sanction of 816
reimbursement imposed pursuant to division (A)(5)(a)(ii) of this 817
section upon an offender who is incarcerated in a state facility 818
or a municipal jail is a judgment in favor of the state or the 819
municipal corporation, and the offender subject to the financial 820
sanction is the judgment debtor. A financial sanction of 821
reimbursement imposed upon an offender pursuant to this section 822
for costs incurred by a private provider of sanctions is a 823
judgment in favor of the private provider, and the offender 824
subject to the financial sanction is the judgment debtor. A 825
financial sanction of a mandatory fine imposed under division 826
(B)(10) of this section that is required under that division to 827
be paid to a law enforcement agency is a judgment in favor of 828
the specified law enforcement agency, and the offender subject 829
to the financial sanction is the judgment debtor. A financial 830
sanction of restitution imposed pursuant to division (A)(1) or 831
(B)(8) of this section is an order in favor of the victim of the 832
offender's criminal act that can be collected through a 833
certificate of judgment as described in division (D)(1) of this 834
section, through execution as described in division (D)(2) of 835
this section, or through an order as described in division (D) 836
(3) of this section, and the offender shall be considered for 837
purposes of the collection as the judgment debtor. Imposition of 838
a financial sanction and execution on the judgment does not 839
preclude any other power of the court to impose or enforce 840
sanctions on the offender. Once the financial sanction is 841
imposed as a judgment or order under this division, the victim, 842

private provider, state, or political subdivision may do any of	843
the following:	844
(1) Obtain from the clerk of the court in which the	845
judgment was entered a certificate of judgment that shall be in	846
the same manner and form as a certificate of judgment issued in	847
a civil action;	848
(2) Obtain execution of the judgment or order through any	849
available procedure, including:	850
(a) An execution against the property of the judgment	851
debtor under Chapter 2329. of the Revised Code;	852
(b) An execution against the person of the judgment debtor	853
under Chapter 2331. of the Revised Code;	854
(c) A proceeding in aid of execution under Chapter 2333.	855
of the Revised Code, including:	856
(i) A proceeding for the examination of the judgment	857
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to	858
2333.27 of the Revised Code;	859
(ii) A proceeding for attachment of the person of the	860
judgment debtor under section 2333.28 of the Revised Code;	861
(iii) A creditor's suit under section 2333.01 of the	862
Revised Code.	863
(d) The attachment of the property of the judgment debtor	864
under Chapter 2715. of the Revised Code;	865
(e) The garnishment of the property of the judgment debtor	866
under Chapter 2716. of the Revised Code.	867
(3) Obtain an order for the assignment of wages of the	868
judgment debtor under section 1321.33 of the Revised Code.	869

(E) A court that imposes a financial sanction upon an 870
offender may hold a hearing if necessary to determine whether 871
the offender is able to pay the sanction or is likely in the 872
future to be able to pay it. 873

(F) Each court imposing a financial sanction upon an 874
offender under this section or under section 2929.32 of the 875
Revised Code may designate the clerk of the court or another 876
person to collect the financial sanction. The clerk or other 877
person authorized by law or the court to collect the financial 878
sanction may enter into contracts with one or more public 879
agencies or private vendors for the collection of, amounts due 880
under the financial sanction imposed pursuant to this section or 881
section 2929.32 of the Revised Code. Before entering into a 882
contract for the collection of amounts due from an offender 883
pursuant to any financial sanction imposed pursuant to this 884
section or section 2929.32 of the Revised Code, a court shall 885
comply with sections 307.86 to 307.92 of the Revised Code. 886

(G) If a court that imposes a financial sanction under 887
division (A) or (B) of this section finds that an offender 888
satisfactorily has completed all other sanctions imposed upon 889
the offender and that all restitution that has been ordered has 890
been paid as ordered, the court may suspend any financial 891
sanctions imposed pursuant to this section or section 2929.32 of 892
the Revised Code that have not been paid. 893

(H) No financial sanction imposed under this section or 894
section 2929.32 of the Revised Code shall preclude a victim from 895
bringing a civil action against the offender. 896

Sec. 2929.28. (A) In addition to imposing court costs 897
pursuant to section 2947.23 of the Revised Code, the court 898
imposing a sentence upon an offender for a misdemeanor, 899

including a minor misdemeanor, may sentence the offender to any 900
financial sanction or combination of financial sanctions 901
authorized under this section. If the court in its discretion 902
imposes one or more financial sanctions, the financial sanctions 903
that may be imposed pursuant to this section include, but are 904
not limited to, the following: 905

(1) Unless the misdemeanor offense is a minor misdemeanor 906
or could be disposed of by the traffic violations bureau serving 907
the court under Traffic Rule 13, restitution by the offender to 908
the victim of the offender's crime or any survivor of the 909
victim, in an amount based on the victim's economic loss. The 910
court may not impose restitution as a sanction pursuant to this 911
division if the offense is a minor misdemeanor or could be 912
disposed of by the traffic violations bureau serving the court 913
under Traffic Rule 13. If the court requires restitution, the 914
court shall order that the restitution be made to the victim in 915
open court or to the adult probation department that serves the 916
jurisdiction or the clerk of the court on behalf of the victim. 917

If the court imposes restitution, the court shall 918
determine the amount of restitution to be paid by the offender. 919
If the court imposes restitution, the court may base the amount 920
of restitution it orders on an amount recommended by the victim, 921
the offender, a presentence investigation report, estimates or 922
receipts indicating the cost of repairing or replacing property, 923
and other information, provided that the amount the court orders 924
as restitution shall not exceed the amount of the economic loss 925
suffered by the victim as a direct and proximate result of the 926
commission of the offense. If the court imposes restitution for 927
the cost of accounting or auditing done to determine the extent 928
of economic loss, the court may order restitution for any amount 929
of the victim's costs of accounting or auditing provided that 930

the amount of restitution is reasonable and does not exceed the 931
value of property or services stolen or damaged as a result of 932
the offense. If the court decides to impose restitution, the 933
court shall hold an evidentiary hearing on restitution if the 934
offender, victim, or survivor disputes the amount of 935
restitution. If the court holds an evidentiary hearing, at the 936
hearing the victim or survivor has the burden to prove by a 937
preponderance of the evidence the amount of restitution sought 938
from the offender. 939

All restitution payments shall be credited against any 940
recovery of economic loss in a civil action brought by the 941
victim or any survivor of the victim against the offender. No 942
person may introduce evidence of an award of restitution under 943
this section in a civil action for purposes of imposing 944
liability against an insurer under section 3937.18 of the 945
Revised Code. 946

If the court imposes restitution, the court may order that 947
the offender pay a surcharge, of not more than five per cent of 948
the amount of the restitution otherwise ordered, to the entity 949
responsible for collecting and processing restitution payments. 950

The victim or survivor may request that the prosecutor in 951
the case file a motion, or the offender may file a motion, for 952
modification of the payment terms of any restitution ordered. If 953
the court grants the motion, it may modify the payment terms as 954
it determines appropriate. 955

(2) A fine of the type described in divisions (A) (2) (a) 956
and (b) of this section payable to the appropriate entity as 957
required by law: 958

(a) A fine in the following amount: 959

(i) For a misdemeanor of the first degree, not more than one thousand dollars;	960 961
(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	962 963
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	964 965
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	966 967
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	968 969
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	970 971
(3) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	972 973 974
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	975 976 977
(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;	978 979 980 981 982
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	983 984 985 986 987

(b) The amount of reimbursement ordered under division (A) 988
(3) (a) of this section shall not exceed the total amount of 989
reimbursement the offender is able to pay and shall not exceed 990
the actual cost of the sanctions. The court may collect any 991
amount of reimbursement the offender is required to pay under 992
that division. If the court does not order reimbursement under 993
that division, confinement costs may be assessed pursuant to a 994
repayment policy adopted under section 2929.37 of the Revised 995
Code. In addition, the offender may be required to pay the fees 996
specified in section 2929.38 of the Revised Code in accordance 997
with that section. 998

(B) If the court determines a hearing is necessary, the 999
court may hold a hearing to determine whether the offender is 1000
able to pay the financial sanction imposed pursuant to this 1001
section or court costs or is likely in the future to be able to 1002
pay the sanction or costs. 1003

If the court determines that the offender is indigent and 1004
unable to pay the financial sanction or court costs, the court 1005
shall consider imposing and may impose a term of community 1006
service under division (A) of section 2929.27 of the Revised 1007
Code in lieu of imposing a financial sanction or court costs. If 1008
the court does not determine that the offender is indigent, the 1009
court may impose a term of community service under division (A) 1010
of section 2929.27 of the Revised Code in lieu of or in addition 1011
to imposing a financial sanction under this section and in 1012
addition to imposing court costs. The court may order community 1013
service for a minor misdemeanor pursuant to division (D) of 1014
section 2929.27 of the Revised Code in lieu of or in addition to 1015
imposing a financial sanction under this section and in addition 1016
to imposing court costs. If a person fails to pay a financial 1017
sanction or court costs, the court may order community service 1018

in lieu of the financial sanction or court costs. 1019

(C) (1) The offender shall pay reimbursements imposed upon 1020
the offender pursuant to division (A) (3) of this section to pay 1021
the costs incurred by a county pursuant to any sanction imposed 1022
under this section or section 2929.26 or 2929.27 of the Revised 1023
Code or in operating a facility used to confine offenders 1024
pursuant to a sanction imposed under section 2929.26 of the 1025
Revised Code to the county treasurer. The county treasurer shall 1026
deposit the reimbursements in the county's general fund. The 1027
county shall use the amounts deposited in the fund to pay the 1028
costs incurred by the county pursuant to any sanction imposed 1029
under this section or section 2929.26 or 2929.27 of the Revised 1030
Code or in operating a facility used to confine offenders 1031
pursuant to a sanction imposed under section 2929.26 of the 1032
Revised Code. 1033

(2) The offender shall pay reimbursements imposed upon the 1034
offender pursuant to division (A) (3) of this section to pay the 1035
costs incurred by a municipal corporation pursuant to any 1036
sanction imposed under this section or section 2929.26 or 1037
2929.27 of the Revised Code or in operating a facility used to 1038
confine offenders pursuant to a sanction imposed under section 1039
2929.26 of the Revised Code to the treasurer of the municipal 1040
corporation. The treasurer shall deposit the reimbursements in 1041
the municipal corporation's general fund. The municipal 1042
corporation shall use the amounts deposited in the fund to pay 1043
the costs incurred by the municipal corporation pursuant to any 1044
sanction imposed under this section or section 2929.26 or 1045
2929.27 of the Revised Code or in operating a facility used to 1046
confine offenders pursuant to a sanction imposed under section 1047
2929.26 of the Revised Code. 1048

(3) The offender shall pay reimbursements imposed pursuant 1049
to division (A) (3) of this section for the costs incurred by a 1050
private provider pursuant to a sanction imposed under this 1051
section or section 2929.26 or 2929.27 of the Revised Code to the 1052
provider. 1053

(D) In addition to any other fine that is or may be 1054
imposed under this section, the court imposing sentence upon an 1055
offender for misdemeanor domestic violence or menacing by 1056
stalking may impose a fine of not less than seventy nor more 1057
than five hundred dollars, which shall be transmitted to the 1058
treasurer of state to be credited to the address confidentiality 1059
program fund created by section 111.48 of the Revised Code. 1060

(E) Except as otherwise provided in this division, a 1061
financial sanction imposed under division (A) of this section is 1062
a judgment in favor of the state or the political subdivision 1063
that operates the court that imposed the financial sanction, and 1064
the offender subject to the financial sanction is the judgment 1065
debtor. A financial sanction of reimbursement imposed pursuant 1066
to division (A) (3) (a) (i) of this section upon an offender is a 1067
judgment in favor of the entity administering the community 1068
control sanction, and the offender subject to the financial 1069
sanction is the judgment debtor. A financial sanction of 1070
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 1071
section upon an offender confined in a jail or other residential 1072
facility is a judgment in favor of the entity operating the jail 1073
or other residential facility, and the offender subject to the 1074
financial sanction is the judgment debtor. A financial sanction 1075
of restitution imposed pursuant to division (A) (1) of this 1076
section is an order in favor of the victim of the offender's 1077
criminal act that can be collected through a certificate of 1078
judgment as described in division (E) (1) of this section, 1079

through execution as described in division (E) (2) of this 1080
section, or through an order as described in division (E) (3) of 1081
this section, and the offender shall be considered for purposes 1082
of the collection as the judgment debtor. 1083

Once the financial sanction is imposed as a judgment or 1084
order under this division, the victim, private provider, state, 1085
or political subdivision may do any of the following: 1086

(1) Obtain from the clerk of the court in which the 1087
judgment was entered a certificate of judgment that shall be in 1088
the same manner and form as a certificate of judgment issued in 1089
a civil action; 1090

(2) Obtain execution of the judgment or order through any 1091
available procedure, including any of the procedures identified 1092
in divisions (E) (1) and (2) of section 2929.18 of the Revised 1093
Code. 1094

(3) Obtain an order for the assignment of wages of the 1095
judgment debtor under section 1321.33 of the Revised Code. 1096

(F) The civil remedies authorized under division (E) of 1097
this section for the collection of the financial sanction 1098
supplement, but do not preclude, enforcement of the criminal 1099
sentence. 1100

(G) Each court imposing a financial sanction upon an 1101
offender under this section may designate the clerk of the court 1102
or another person to collect the financial sanction. The clerk, 1103
or another person authorized by law or the court to collect the 1104
financial sanction may do the following: 1105

(1) Enter into contracts with one or more public agencies 1106
or private vendors for the collection of amounts due under the 1107
sanction. Before entering into a contract for the collection of 1108

amounts due from an offender pursuant to any financial sanction 1109
imposed pursuant to this section, a court shall comply with 1110
sections 307.86 to 307.92 of the Revised Code. 1111

(2) Permit payment of all or any portion of the sanction 1112
in installments, by financial transaction device if the court is 1113
a county court or a municipal court operated by a county, by 1114
credit or debit card or by another electronic transfer if the 1115
court is a municipal court not operated by a county, or by any 1116
other reasonable method, in any time, and on any terms that 1117
court considers just, except that the maximum time permitted for 1118
payment shall not exceed five years. If the court is a county 1119
court or a municipal court operated by a county, the acceptance 1120
of payments by any financial transaction device shall be 1121
governed by the policy adopted by the board of county 1122
commissioners of the county pursuant to section 301.28 of the 1123
Revised Code. If the court is a municipal court not operated by 1124
a county, the clerk may pay any fee associated with processing 1125
an electronic transfer out of public money or may charge the fee 1126
to the offender. 1127

(3) To defray administrative costs, charge a reasonable 1128
fee to an offender who elects a payment plan rather than a lump 1129
sum payment of any financial sanction. 1130

(H) No financial sanction imposed under this section shall 1131
preclude a victim from bringing a civil action against the 1132
offender. 1133

Section 2. That existing sections 2929.01, 2929.18, and 1134
2929.28 of the Revised Code are hereby repealed. 1135

Section 3. Section 2929.01 of the Revised Code is 1136
presented in this act as a composite of the section as amended 1137

by Sub. H.B. 63, Sub. H.B. 411, Am. Sub. S.B. 1, Sub. S.B. 20, 1138
and Am. Sub. S.B. 201, all of the 132nd General Assembly. The 1139
General Assembly, applying the principle stated in division (B) 1140
of section 1.52 of the Revised Code that amendments are to be 1141
harmonized if reasonably capable of simultaneous operation, 1142
finds that the composite is the resulting version of the section 1143
in effect prior to the effective date of the section as 1144
presented in this act. 1145

Section 4. This act shall be known as the "Theft Victims' 1146
Restitution Act." 1147