

**As Reported by the Senate Government Oversight and Reform
Committee**

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**Regular Session
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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

Senator Coley

A BILL

To amend sections 105.41, 2929.01, 2929.18, and 1
2929.28 of the Revised Code to enact the "Theft 2
Victims' Restitution Act" to allow restitution 3
for the cost of accounting or auditing done to 4
determine the extent of a victim's economic 5
loss, to make changes regarding appointed 6
members of the Capitol Square Review and 7
Advisory Board, to vacate a seat on the Joint 8
Legislative Ethics Committee, and to declare an 9
emergency. 10

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

Section 1. That sections 105.41, 2929.01, 2929.18, and 11
2929.28 of the Revised Code be amended to read as follows: 12

Sec. 105.41. (A) There is hereby created in the 13

legislative branch of government the capitol square review and 14
advisory board, consisting of twelve members as follows: 15

(1) Two members of the senate, appointed by the president 16
of the senate, both of whom shall not be members of the same 17
political party; 18

(2) Two members of the house of representatives, appointed 19
by the speaker of the house of representatives, both of whom 20
shall not be members of the same political party; 21

(3) Four members appointed by the governor, with the 22
advice and consent of the senate, not more than three of whom 23
shall be members of the same political party, one of whom shall 24
be the chief of staff of the governor's office, one of whom 25
shall represent the Ohio arts council, one of whom shall 26
represent the Ohio history connection, and one of whom shall 27
represent the public at large; 28

(4) One member, who shall be a former president of the 29
senate, appointed by the current president of the senate. If the 30
current president of the senate, in the current president's 31
discretion, decides for any reason not to make the appointment 32
or if no person is eligible or available to serve, the seat 33
shall remain vacant. 34

(5) One member, who shall be a former speaker of the house 35
of representatives, appointed by the current speaker of the 36
house of representatives. If the current speaker of the house of 37
representatives, in the current speaker's discretion, decides 38
for any reason not to make the appointment or if no person is 39
eligible or available to serve, the seat shall remain vacant. 40

(6) The clerk of the senate and the clerk of the house of 41
representatives. 42

(B) All appointed members of the board serve at the 43
pleasure of the appointing authority and may be discharged from 44
the board, by the appointing authority, without cause. Terms of 45
office of each member appointed ~~member of the board under~~ 46
divisions (A) (3), (4), and (5) of this section shall be for 47
three years, ~~except that members~~ unless discharged by the 48
appointing authority before the end of the term. Members of the 49
general assembly appointed to the board ~~shall~~ may be members of 50
the board only so long as they are members of the general 51
assembly and the chief of staff of the governor's office ~~shall~~ 52
may be a member of the board only so long as the appointing 53
governor remains in office. ~~Each member shall hold office from~~ 54
~~the date of the member's appointment until the end of the term~~ 55
~~for which the member was appointed.~~ In case of a vacancy 56
occurring on the board, the president of the senate, the speaker 57
of the house of representatives, or the governor, as the case 58
may be, shall in the same manner prescribed for the regular 59
appointment to the commission, fill the vacancy by appointing a 60
member. Any member appointed to fill a vacancy occurring prior 61
to the expiration of the term for which the member's predecessor 62
was appointed shall hold office for the remainder of the term. 63
Any appointed member ~~shall continue in office subsequent to the~~ 64
~~expiration date of the member's term until the member's~~ 65
~~successor takes office, or until a period of sixty days has~~ 66
~~elapsed, whichever occurs first~~ may be reappointed, provided the 67
member continues to meet all other eligibility requirements. 68

(C) The board shall hold meetings in a manner and at times 69
prescribed by the rules adopted by the board. A majority of the 70
board constitutes a quorum, and no action shall be taken by the 71
board unless approved by at least six members or by at least 72
seven members if a person is appointed under division (A) (4) or 73

(5) of this section. At its first meeting, the board shall adopt 74
rules for the conduct of its business and the election of its 75
officers, and shall organize by selecting officers other than a 76
chairperson as it considers necessary. In odd-numbered years, 77
the majority member from the senate shall serve as chairperson; 78
in even-numbered years, the majority member from the house of 79
representatives shall serve as chairperson. Board members shall 80
serve without compensation but shall be reimbursed for actual 81
and necessary expenses incurred in the performance of their 82
duties. 83

(D) The board may do any of the following: 84

(1) Employ or hire on a consulting basis professional, 85
technical, and clerical employees as are necessary for the 86
performance of its duties. All employees of the board are in the 87
unclassified service and serve at the pleasure of the board. For 88
purposes of section 4117.01 of the Revised Code, employees of 89
the board shall be considered employees of the general assembly, 90
except that employees who are covered by a collective bargaining 91
agreement on September 29, 2011, shall remain subject to the 92
agreement until the agreement expires on its terms, and the 93
agreement shall not be extended or renewed. Upon expiration of 94
the agreement, the employees are considered employees of the 95
general assembly for purposes of section 4117.01 of the Revised 96
Code and are in the unclassified service and serve at the 97
pleasure of the board. 98

(2) Hold public hearings at times and places as determined 99
by the board; 100

(3) Adopt, amend, or rescind rules necessary to accomplish 101
the duties of the board as set forth in this section; 102

(4) Sponsor, conduct, and support such social events as	103
the board may authorize and consider appropriate for the	104
employees of the board, employees and members of the general	105
assembly, employees of persons under contract with the board or	106
otherwise engaged to perform services on the premises of capitol	107
square, or other persons as the board may consider appropriate.	108
Subject to the requirements of Chapter 4303. of the Revised	109
Code, the board may provide beer, wine, and intoxicating liquor,	110
with or without charge, for those events and may use funds only	111
from the sale of goods and services fund to purchase the beer,	112
wine, and intoxicating liquor the board provides;	113
(5) Purchase a warehouse in which to store items of the	114
capitol collection trust and, whenever necessary, equipment or	115
other property of the board.	116
(E) The board shall do all of the following:	117
(1) Have sole authority to coordinate and approve any	118
improvements, additions, and renovations that are made to the	119
capitol square. The improvements shall include, but not be	120
limited to, the placement of monuments and sculpture on the	121
capitol grounds.	122
(2) Operate the capitol square, and have sole authority to	123
regulate all uses of the capitol square. The uses shall include,	124
but not be limited to, the casual and recreational use of the	125
capitol square.	126
(3) Employ, fix the compensation of, and prescribe the	127
duties of the executive director of the board and other	128
employees the board considers necessary for the performance of	129
its powers and duties;	130
(4) Establish and maintain the capitol collection trust.	131

The capitol collection trust shall consist of furniture, 132
antiques, and other items of personal property that the board 133
shall store in suitable facilities until they are ready to be 134
displayed in the capitol square. 135

(5) Perform repair, construction, contracting, purchasing, 136
maintenance, supervisory, and operating activities the board 137
determines are necessary for the operation and maintenance of 138
the capitol square; 139

(6) Maintain and preserve the capitol square, in 140
accordance with guidelines issued by the United States secretary 141
of the interior for application of the secretary's standards for 142
rehabilitation adopted in 36 C.F.R. part 67; 143

(7) Plan and develop a center at the capitol building for 144
the purpose of educating visitors about the history of Ohio, 145
including its political, economic, and social development and 146
the design and erection of the capitol building and its grounds. 147

(F) (1) The board shall lease capital facilities improved 148
by the department of administrative services or financed by the 149
treasurer of state pursuant to Chapter 154. of the Revised Code 150
for the use of the board, and may enter into any other 151
agreements with the department, the Ohio public facilities 152
commission, or any other authorized governmental agency 153
ancillary to improvement, financing, or leasing of those capital 154
facilities, including, but not limited to, any agreement 155
required by the applicable bond proceedings authorized by 156
Chapter 154. of the Revised Code. Any lease of capital 157
facilities authorized by this section shall be governed by 158
Chapter 154. of the Revised Code. 159

(2) Fees, receipts, and revenues received by the board 160

from the state underground parking garage constitute available 161
receipts as defined in section 154.24 of the Revised Code, and 162
may be pledged to the payment of bond service charges on 163
obligations issued by the treasurer of state pursuant to Chapter 164
154. of the Revised Code to improve, finance, or purchase 165
capital facilities useful to the board. The treasurer of state 166
may, with the consent of the board, provide in the bond 167
proceedings for a pledge of all or a portion of those fees, 168
receipts, and revenues as the treasurer of state determines. The 169
treasurer of state may provide in the bond proceedings or by 170
separate agreement with the board for the transfer of those 171
fees, receipts, and revenues to the appropriate bond service 172
fund or bond service reserve fund as required to pay the bond 173
service charges when due, and any such provision for the 174
transfer of those fees, receipts, and revenues shall be 175
controlling notwithstanding any other provision of law 176
pertaining to those fees, receipts, and revenues. 177

(3) All moneys received by the treasurer of state on 178
account of the board and required by the applicable bond 179
proceedings or by separate agreement with the board to be 180
deposited, transferred, or credited to the bond service fund or 181
bond service reserve fund established by the bond proceedings 182
shall be transferred by the treasurer of state to such fund, 183
whether or not it is in the custody of the treasurer of state, 184
without necessity for further appropriation. 185

(G) (1) Except as otherwise provided in division (G) (2) of 186
this section, all fees, receipts, and revenues received by the 187
board from the state underground parking garage shall be 188
deposited into the state treasury to the credit of the 189
underground parking garage operating fund, which is hereby 190
created, to be used for the purposes specified in division (F) 191

of this section and for the operation and maintenance of the 192
garage. All investment earnings of the fund shall be credited to 193
the fund. 194

(2) There is hereby created the parking garage automated 195
equipment fund, which shall be in the custody of the treasurer 196
of state but shall not be part of the state treasury. Money in 197
the fund shall be used to purchase the automated teller machine 198
quality dollar bills needed for operation of the parking garage 199
automated equipment. The fund shall consist of fees, receipts, 200
or revenues received by the board from the state underground 201
parking garage; provided, however, that the total amount 202
deposited into the fund at any one time shall not exceed ten 203
thousand dollars. All investment earnings of the fund shall be 204
credited to the fund. 205

(H) All donations received by the board shall be deposited 206
into the state treasury to the credit of the capitol square 207
renovation gift fund, which is hereby created. The fund shall be 208
used by the board as follows: 209

(1) To provide part or all of the funding related to 210
construction, goods, or services for the renovation of the 211
capitol square; 212

(2) To purchase art, antiques, and artifacts for display 213
at the capitol square; 214

(3) To award contracts or make grants to organizations for 215
educating the public regarding the historical background and 216
governmental functions of the capitol square. Chapters 125., 217
127., and 153. and section 3517.13 of the Revised Code do not 218
apply to purchases made exclusively from the fund, 219
notwithstanding anything to the contrary in those chapters or 220

that section. All investment earnings of the fund shall be 221
credited to the fund. 222

(I) Except as provided in divisions (G), (H), and (J) of 223
this section, all fees, receipts, and revenues received by the 224
board shall be deposited into the state treasury to the credit 225
of the sale of goods and services fund, which is hereby created. 226
Money credited to the fund shall be used solely to pay costs of 227
the board other than those specified in divisions (F) and (G) of 228
this section. All investment earnings of the fund shall be 229
credited to the fund. 230

(J) There is hereby created in the state treasury the 231
capitol square improvement fund, to be used by the board to pay 232
construction, renovation, and other costs related to the capitol 233
square for which money is not otherwise available to the board. 234
Whenever the board determines that there is a need to incur 235
those costs and that the unencumbered, unobligated balance to 236
the credit of the underground parking garage operating fund 237
exceeds the amount needed for the purposes specified in division 238
(F) of this section and for the operation and maintenance of the 239
garage, the board may request the director of budget and 240
management to transfer from the underground parking garage 241
operating fund to the capitol square improvement fund the amount 242
needed to pay such construction, renovation, or other costs. The 243
director then shall transfer the amount needed from the excess 244
balance of the underground parking garage operating fund. 245

(K) As the operation and maintenance of the capitol square 246
constitute essential government functions of a public purpose, 247
the board shall not be required to pay taxes or assessments upon 248
the square, upon any property acquired or used by the board 249
under this section, or upon any income generated by the 250

operation of the square.	251
(L) As used in this section, "capitol square" means the	252
capitol building, senate building, capitol atrium, capitol	253
grounds, the state underground parking garage, and the warehouse	254
owned by the board.	255
(M) The capitol annex shall be known as the senate	256
building.	257
(N) Any person may possess a firearm in a motor vehicle in	258
the state underground parking garage at the state capitol	259
building, if the person's possession of the firearm in the motor	260
vehicle is not in violation of section 2923.16 of the Revised	261
Code or any other provision of the Revised Code. Any person may	262
store or leave a firearm in a locked motor vehicle that is	263
parked in the state underground parking garage at the state	264
capitol building, if the person's transportation and possession	265
of the firearm in the motor vehicle while traveling to the	266
garage was not in violation of section 2923.16 of the Revised	267
Code or any other provision of the Revised Code.	268
Sec. 2929.01. As used in this chapter:	269
(A) (1) "Alternative residential facility" means, subject	270
to division (A) (2) of this section, any facility other than an	271
offender's home or residence in which an offender is assigned to	272
live and that satisfies all of the following criteria:	273
(a) It provides programs through which the offender may	274
seek or maintain employment or may receive education, training,	275
treatment, or habilitation.	276
(b) It has received the appropriate license or certificate	277
for any specialized education, training, treatment,	278
habilitation, or other service that it provides from the	279

government agency that is responsible for licensing or 280
certifying that type of education, training, treatment, 281
habilitation, or service. 282

(2) "Alternative residential facility" does not include a 283
community-based correctional facility, jail, halfway house, or 284
prison. 285

(B) "Basic probation supervision" means a requirement that 286
the offender maintain contact with a person appointed to 287
supervise the offender in accordance with sanctions imposed by 288
the court or imposed by the parole board pursuant to section 289
2967.28 of the Revised Code. "Basic probation supervision" 290
includes basic parole supervision and basic post-release control 291
supervision. 292

(C) "Cocaine," "fentanyl-related compound," "hashish," 293
"L.S.D.," and "unit dose" have the same meanings as in section 294
2925.01 of the Revised Code. 295

(D) "Community-based correctional facility" means a 296
community-based correctional facility and program or district 297
community-based correctional facility and program developed 298
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 299

(E) "Community control sanction" means a sanction that is 300
not a prison term and that is described in section 2929.15, 301
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 302
that is not a jail term and that is described in section 303
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 304
control sanction" includes probation if the sentence involved 305
was imposed for a felony that was committed prior to July 1, 306
1996, or if the sentence involved was imposed for a misdemeanor 307
that was committed prior to January 1, 2004. 308

(F) "Controlled substance," "marihuana," "schedule I," and 309
"schedule II" have the same meanings as in section 3719.01 of 310
the Revised Code. 311

(G) "Curfew" means a requirement that an offender during a 312
specified period of time be at a designated place. 313

(H) "Day reporting" means a sanction pursuant to which an 314
offender is required each day to report to and leave a center or 315
other approved reporting location at specified times in order to 316
participate in work, education or training, treatment, and other 317
approved programs at the center or outside the center. 318

(I) "Deadly weapon" has the same meaning as in section 319
2923.11 of the Revised Code. 320

(J) "Drug and alcohol use monitoring" means a program 321
under which an offender agrees to submit to random chemical 322
analysis of the offender's blood, breath, or urine to determine 323
whether the offender has ingested any alcohol or other drugs. 324

(K) "Drug treatment program" means any program under which 325
a person undergoes assessment and treatment designed to reduce 326
or completely eliminate the person's physical or emotional 327
reliance upon alcohol, another drug, or alcohol and another drug 328
and under which the person may be required to receive assessment 329
and treatment on an outpatient basis or may be required to 330
reside at a facility other than the person's home or residence 331
while undergoing assessment and treatment. 332

(L) "Economic loss" means any economic detriment suffered 333
by a victim as a direct and proximate result of the commission 334
of an offense and includes any loss of income due to lost time 335
at work because of any injury caused to the victim, ~~and~~ any 336
property loss, medical cost, or funeral expense incurred as a 337

result of the commission of the offense, and the cost of any 338
accounting or auditing done to determine the extent of loss if 339
the cost is incurred and payable by the victim. "Economic loss" 340
does not include non-economic loss or any punitive or exemplary 341
damages. 342

(M) "Education or training" includes study at, or in 343
conjunction with a program offered by, a university, college, or 344
technical college or vocational study and also includes the 345
completion of primary school, secondary school, and literacy 346
curricula or their equivalent. 347

(N) "Firearm" has the same meaning as in section 2923.11 348
of the Revised Code. 349

(O) "Halfway house" means a facility licensed by the 350
division of parole and community services of the department of 351
rehabilitation and correction pursuant to section 2967.14 of the 352
Revised Code as a suitable facility for the care and treatment 353
of adult offenders. 354

(P) "House arrest" means a period of confinement of an 355
offender that is in the offender's home or in other premises 356
specified by the sentencing court or by the parole board 357
pursuant to section 2967.28 of the Revised Code and during which 358
all of the following apply: 359

(1) The offender is required to remain in the offender's 360
home or other specified premises for the specified period of 361
confinement, except for periods of time during which the 362
offender is at the offender's place of employment or at other 363
premises as authorized by the sentencing court or by the parole 364
board. 365

(2) The offender is required to report periodically to a 366

person designated by the court or parole board. 367

(3) The offender is subject to any other restrictions and 368
requirements that may be imposed by the sentencing court or by 369
the parole board. 370

(Q) "Intensive probation supervision" means a requirement 371
that an offender maintain frequent contact with a person 372
appointed by the court, or by the parole board pursuant to 373
section 2967.28 of the Revised Code, to supervise the offender 374
while the offender is seeking or maintaining necessary 375
employment and participating in training, education, and 376
treatment programs as required in the court's or parole board's 377
order. "Intensive probation supervision" includes intensive 378
parole supervision and intensive post-release control 379
supervision. 380

(R) "Jail" means a jail, workhouse, minimum security jail, 381
or other residential facility used for the confinement of 382
alleged or convicted offenders that is operated by a political 383
subdivision or a combination of political subdivisions of this 384
state. 385

(S) "Jail term" means the term in a jail that a sentencing 386
court imposes or is authorized to impose pursuant to section 387
2929.24 or 2929.25 of the Revised Code or pursuant to any other 388
provision of the Revised Code that authorizes a term in a jail 389
for a misdemeanor conviction. 390

(T) "Mandatory jail term" means the term in a jail that a 391
sentencing court is required to impose pursuant to division (G) 392
of section 1547.99 of the Revised Code, division (E) of section 393
2903.06 or division (D) of section 2903.08 of the Revised Code, 394
division (E) or (G) of section 2929.24 of the Revised Code, 395

division (B) of section 4510.14 of the Revised Code, or division 396
(G) of section 4511.19 of the Revised Code or pursuant to any 397
other provision of the Revised Code that requires a term in a 398
jail for a misdemeanor conviction. 399

(U) "Delinquent child" has the same meaning as in section 400
2152.02 of the Revised Code. 401

(V) "License violation report" means a report that is made 402
by a sentencing court, or by the parole board pursuant to 403
section 2967.28 of the Revised Code, to the regulatory or 404
licensing board or agency that issued an offender a professional 405
license or a license or permit to do business in this state and 406
that specifies that the offender has been convicted of or 407
pleaded guilty to an offense that may violate the conditions 408
under which the offender's professional license or license or 409
permit to do business in this state was granted or an offense 410
for which the offender's professional license or license or 411
permit to do business in this state may be revoked or suspended. 412

(W) "Major drug offender" means an offender who is 413
convicted of or pleads guilty to the possession of, sale of, or 414
offer to sell any drug, compound, mixture, preparation, or 415
substance that consists of or contains at least one thousand 416
grams of hashish; at least one hundred grams of cocaine; at 417
least one thousand unit doses or one hundred grams of heroin; at 418
least five thousand unit doses of L.S.D. or five hundred grams 419
of L.S.D. in a liquid concentrate, liquid extract, or liquid 420
distillate form; at least fifty grams of a controlled substance 421
analog; at least one thousand unit doses or one hundred grams of 422
a fentanyl-related compound; or at least one hundred times the 423
amount of any other schedule I or II controlled substance other 424
than marihuana that is necessary to commit a felony of the third 425

degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 426
of the Revised Code that is based on the possession of, sale of, 427
or offer to sell the controlled substance. 428

(X) "Mandatory prison term" means any of the following: 429

(1) Subject to division (X)(2) of this section, the term 430
in prison that must be imposed for the offenses or circumstances 431
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 432
section 2929.13 and division (B) of section 2929.14 of the 433
Revised Code. Except as provided in sections 2925.02, 2925.03, 434
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 435
maximum or another specific term is required under section 436
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 437
described in this division may be any prison term authorized for 438
the level of offense except that if the offense is a felony of 439
the first or second degree committed on or after ~~the effective~~ 440
~~date of this amendment~~ March 22, 2019, a mandatory prison term 441
described in this division may be one of the terms prescribed in 442
division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised 443
Code, whichever is applicable, that is authorized as the minimum 444
term for the offense. 445

(2) The term of sixty or one hundred twenty days in prison 446
that a sentencing court is required to impose for a third or 447
fourth degree felony OVI offense pursuant to division (G)(2) of 448
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 449
of the Revised Code or the term of one, two, three, four, or 450
five years in prison that a sentencing court is required to 451
impose pursuant to division (G)(2) of section 2929.13 of the 452
Revised Code. 453

(3) The term in prison imposed pursuant to division (A) of 454
section 2971.03 of the Revised Code for the offenses and in the 455

circumstances described in division (F)(11) of section 2929.13 456
of the Revised Code or pursuant to division (B)(1)(a), (b), or 457
(c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 458
section 2971.03 of the Revised Code and that term as modified or 459
terminated pursuant to section 2971.05 of the Revised Code. 460

(Y) "Monitored time" means a period of time during which 461
an offender continues to be under the control of the sentencing 462
court or parole board, subject to no conditions other than 463
leading a law-abiding life. 464

(Z) "Offender" means a person who, in this state, is 465
convicted of or pleads guilty to a felony or a misdemeanor. 466

(AA) "Prison" means a residential facility used for the 467
confinement of convicted felony offenders that is under the 468
control of the department of rehabilitation and correction and 469
includes a violation sanction center operated under authority of 470
section 2967.141 of the Revised Code. 471

(BB)(1) "Prison term" includes either of the following 472
sanctions for an offender: 473

(a) A stated prison term; 474

(b) A term in a prison shortened by, or with the approval 475
of, the sentencing court pursuant to section 2929.143, 2929.20, 476
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 477

(2) With respect to a non-life felony indefinite prison 478
term, references in any provision of law to a reduction of, or 479
deduction from, the prison term mean a reduction in, or 480
deduction from, the minimum term imposed as part of the 481
indefinite term. 482

(CC) "Repeat violent offender" means a person about whom 483

both of the following apply:	484
(1) The person is being sentenced for committing or for complicity in committing any of the following:	485
(a) Aggravated murder, murder, any felony of the first or second degree that is an offense of violence, or an attempt to commit any of these offenses if the attempt is a felony of the first or second degree;	486
(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (CC) (1) (a) of this section.	487
(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.	488
(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.	489
(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.	490
(FF) (1) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the	491
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offense and any time spent under house arrest or house arrest 513
with electronic monitoring imposed after earning credits 514
pursuant to section 2967.193 of the Revised Code. If an offender 515
is serving a prison term as a risk reduction sentence under 516
sections 2929.143 and 5120.036 of the Revised Code, "stated 517
prison term" includes any period of time by which the prison 518
term imposed upon the offender is shortened by the offender's 519
successful completion of all assessment and treatment or 520
programming pursuant to those sections. 521

(2) As used in the definition of "stated prison term" set 522
forth in division (FF)(1) of this section, a prison term is a 523
definite prison term imposed under section 2929.14 of the 524
Revised Code or any other provision of law, is the minimum and 525
maximum prison terms under a non-life felony indefinite prison 526
term, or is a term of life imprisonment except to the extent 527
that the use of that definition in a section of the Revised Code 528
clearly is not intended to include a term of life imprisonment. 529
With respect to an offender sentenced to a non-life felony 530
indefinite prison term, references in section 2967.191 or 531
2967.193 of the Revised Code or any other provision of law to a 532
reduction of, or deduction from, the offender's stated prison 533
term or to release of the offender before the expiration of the 534
offender's stated prison term mean a reduction in, or deduction 535
from, the minimum term imposed as part of the indefinite term or 536
a release of the offender before the expiration of that minimum 537
term, references in section 2929.19 or 2967.28 of the Revised 538
Code to a stated prison term with respect to a prison term 539
imposed for a violation of a post-release control sanction mean 540
the minimum term so imposed, and references in any provision of 541
law to an offender's service of the offender's stated prison 542
term or the expiration of the offender's stated prison term mean 543

service or expiration of the minimum term so imposed plus any 544
additional period of incarceration under the sentence that is 545
required under section 2967.271 of the Revised Code. 546

(GG) "Victim-offender mediation" means a reconciliation or 547
mediation program that involves an offender and the victim of 548
the offense committed by the offender and that includes a 549
meeting in which the offender and the victim may discuss the 550
offense, discuss restitution, and consider other sanctions for 551
the offense. 552

(HH) "Fourth degree felony OVI offense" means a violation 553
of division (A) of section 4511.19 of the Revised Code that, 554
under division (G) of that section, is a felony of the fourth 555
degree. 556

(II) "Mandatory term of local incarceration" means the 557
term of sixty or one hundred twenty days in a jail, a community- 558
based correctional facility, a halfway house, or an alternative 559
residential facility that a sentencing court may impose upon a 560
person who is convicted of or pleads guilty to a fourth degree 561
felony OVI offense pursuant to division (G) (1) of section 562
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 563
section 4511.19 of the Revised Code. 564

(JJ) "Designated homicide, assault, or kidnapping 565
offense," "violent sex offense," "sexual motivation 566
specification," "sexually violent offense," "sexually violent 567
predator," and "sexually violent predator specification" have 568
the same meanings as in section 2971.01 of the Revised Code. 569

(KK) "Sexually oriented offense," "child-victim oriented 570
offense," and "tier III sex offender/child-victim offender" have 571
the same meanings as in section 2950.01 of the Revised Code. 572

(LL) An offense is "committed in the vicinity of a child"	573
if the offender commits the offense within thirty feet of or	574
within the same residential unit as a child who is under	575
eighteen years of age, regardless of whether the offender knows	576
the age of the child or whether the offender knows the offense	577
is being committed within thirty feet of or within the same	578
residential unit as the child and regardless of whether the	579
child actually views the commission of the offense.	580
(MM) "Family or household member" has the same meaning as	581
in section 2919.25 of the Revised Code.	582
(NN) "Motor vehicle" and "manufactured home" have the same	583
meanings as in section 4501.01 of the Revised Code.	584
(OO) "Detention" and "detention facility" have the same	585
meanings as in section 2921.01 of the Revised Code.	586
(PP) "Third degree felony OVI offense" means a violation	587
of division (A) of section 4511.19 of the Revised Code that,	588
under division (G) of that section, is a felony of the third	589
degree.	590
(QQ) "Random drug testing" has the same meaning as in	591
section 5120.63 of the Revised Code.	592
(RR) "Felony sex offense" has the same meaning as in	593
section 2967.28 of the Revised Code.	594
(SS) "Body armor" has the same meaning as in section	595
2941.1411 of the Revised Code.	596
(TT) "Electronic monitoring" means monitoring through the	597
use of an electronic monitoring device.	598
(UU) "Electronic monitoring device" means any of the	599
following:	600

(1) Any device that can be operated by electrical or 601
battery power and that conforms with all of the following: 602

(a) The device has a transmitter that can be attached to a 603
person, that will transmit a specified signal to a receiver of 604
the type described in division (UU) (1) (b) of this section if the 605
transmitter is removed from the person, turned off, or altered 606
in any manner without prior court approval in relation to 607
electronic monitoring or without prior approval of the 608
department of rehabilitation and correction in relation to the 609
use of an electronic monitoring device for an inmate on 610
transitional control or otherwise is tampered with, that can 611
transmit continuously and periodically a signal to that receiver 612
when the person is within a specified distance from the 613
receiver, and that can transmit an appropriate signal to that 614
receiver if the person to whom it is attached travels a 615
specified distance from that receiver. 616

(b) The device has a receiver that can receive 617
continuously the signals transmitted by a transmitter of the 618
type described in division (UU) (1) (a) of this section, can 619
transmit continuously those signals by a wireless or landline 620
telephone connection to a central monitoring computer of the 621
type described in division (UU) (1) (c) of this section, and can 622
transmit continuously an appropriate signal to that central 623
monitoring computer if the device has been turned off or altered 624
without prior court approval or otherwise tampered with. The 625
device is designed specifically for use in electronic 626
monitoring, is not a converted wireless phone or another 627
tracking device that is clearly not designed for electronic 628
monitoring, and provides a means of text-based or voice 629
communication with the person. 630

(c) The device has a central monitoring computer that can 631
receive continuously the signals transmitted by a wireless or 632
landline telephone connection by a receiver of the type 633
described in division (UU) (1) (b) of this section and can monitor 634
continuously the person to whom an electronic monitoring device 635
of the type described in division (UU) (1) (a) of this section is 636
attached. 637

(2) Any device that is not a device of the type described 638
in division (UU) (1) of this section and that conforms with all 639
of the following: 640

(a) The device includes a transmitter and receiver that 641
can monitor and determine the location of a subject person at 642
any time, or at a designated point in time, through the use of a 643
central monitoring computer or through other electronic means. 644

(b) The device includes a transmitter and receiver that 645
can determine at any time, or at a designated point in time, 646
through the use of a central monitoring computer or other 647
electronic means the fact that the transmitter is turned off or 648
altered in any manner without prior approval of the court in 649
relation to the electronic monitoring or without prior approval 650
of the department of rehabilitation and correction in relation 651
to the use of an electronic monitoring device for an inmate on 652
transitional control or otherwise is tampered with. 653

(3) Any type of technology that can adequately track or 654
determine the location of a subject person at any time and that 655
is approved by the director of rehabilitation and correction, 656
including, but not limited to, any satellite technology, voice 657
tracking system, or retinal scanning system that is so approved. 658

(VV) "Non-economic loss" means nonpecuniary harm suffered 659

by a victim of an offense as a result of or related to the 660
commission of the offense, including, but not limited to, pain 661
and suffering; loss of society, consortium, companionship, care, 662
assistance, attention, protection, advice, guidance, counsel, 663
instruction, training, or education; mental anguish; and any 664
other intangible loss. 665

(WW) "Prosecutor" has the same meaning as in section 666
2935.01 of the Revised Code. 667

(XX) "Continuous alcohol monitoring" means the ability to 668
automatically test and periodically transmit alcohol consumption 669
levels and tamper attempts at least every hour, regardless of 670
the location of the person who is being monitored. 671

(YY) A person is "adjudicated a sexually violent predator" 672
if the person is convicted of or pleads guilty to a violent sex 673
offense and also is convicted of or pleads guilty to a sexually 674
violent predator specification that was included in the 675
indictment, count in the indictment, or information charging 676
that violent sex offense or if the person is convicted of or 677
pleads guilty to a designated homicide, assault, or kidnapping 678
offense and also is convicted of or pleads guilty to both a 679
sexual motivation specification and a sexually violent predator 680
specification that were included in the indictment, count in the 681
indictment, or information charging that designated homicide, 682
assault, or kidnapping offense. 683

(ZZ) An offense is "committed in proximity to a school" if 684
the offender commits the offense in a school safety zone or 685
within five hundred feet of any school building or the 686
boundaries of any school premises, regardless of whether the 687
offender knows the offense is being committed in a school safety 688
zone or within five hundred feet of any school building or the 689

boundaries of any school premises. 690

(AAA) "Human trafficking" means a scheme or plan to which 691
all of the following apply: 692

(1) Its object is one or more of the following: 693

(a) To subject a victim or victims to involuntary 694
servitude, as defined in section 2905.31 of the Revised Code or 695
to compel a victim or victims to engage in sexual activity for 696
hire, to engage in a performance that is obscene, sexually 697
oriented, or nudity oriented, or to be a model or participant in 698
the production of material that is obscene, sexually oriented, 699
or nudity oriented; 700

(b) To facilitate, encourage, or recruit a victim who is 701
less than sixteen years of age or is a person with a 702
developmental disability, or victims who are less than sixteen 703
years of age or are persons with developmental disabilities, for 704
any purpose listed in divisions (A) (2) (a) to (c) of section 705
2905.32 of the Revised Code; 706

(c) To facilitate, encourage, or recruit a victim who is 707
sixteen or seventeen years of age, or victims who are sixteen or 708
seventeen years of age, for any purpose listed in divisions (A) 709
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 710
circumstances described in division (A) (5), (6), (7), (8), (9), 711
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 712
apply with respect to the person engaging in the conduct and the 713
victim or victims. 714

(2) It involves at least two felony offenses, whether or 715
not there has been a prior conviction for any of the felony 716
offenses, to which all of the following apply: 717

(a) Each of the felony offenses is a violation of section 718

2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 719
division (A) (1) or (2) of section 2907.323, or division (B) (1), 720
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 721
is a violation of a law of any state other than this state that 722
is substantially similar to any of the sections or divisions of 723
the Revised Code identified in this division. 724

(b) At least one of the felony offenses was committed in 725
this state. 726

(c) The felony offenses are related to the same scheme or 727
plan and are not isolated instances. 728

(BBB) "Material," "nudity," "obscene," "performance," and 729
"sexual activity" have the same meanings as in section 2907.01 730
of the Revised Code. 731

(CCC) "Material that is obscene, sexually oriented, or 732
nudity oriented" means any material that is obscene, that shows 733
a person participating or engaging in sexual activity, 734
masturbation, or bestiality, or that shows a person in a state 735
of nudity. 736

(DDD) "Performance that is obscene, sexually oriented, or 737
nudity oriented" means any performance that is obscene, that 738
shows a person participating or engaging in sexual activity, 739
masturbation, or bestiality, or that shows a person in a state 740
of nudity. 741

(EEE) "Accelerant" means a fuel or oxidizing agent, such 742
as an ignitable liquid, used to initiate a fire or increase the 743
rate of growth or spread of a fire. 744

(FFF) "Permanent disabling harm" means serious physical 745
harm that results in permanent injury to the intellectual, 746
physical, or sensory functions and that permanently and 747

substantially impairs a person's ability to meet one or more of 748
the ordinary demands of life, including the functions of caring 749
for one's self, performing manual tasks, walking, seeing, 750
hearing, speaking, breathing, learning, and working. 751

(GGG) "Non-life felony indefinite prison term" means a 752
prison term imposed under division (A) (1) (a) or (2) (a) of 753
section 2929.14 and section 2929.144 of the Revised Code for a 754
felony of the first or second degree committed on or after ~~the~~ 755
~~effective date of this amendment~~ March 22, 2019. 756

Sec. 2929.18. (A) Except as otherwise provided in this 757
division and in addition to imposing court costs pursuant to 758
section 2947.23 of the Revised Code, the court imposing a 759
sentence upon an offender for a felony may sentence the offender 760
to any financial sanction or combination of financial sanctions 761
authorized under this section or, in the circumstances specified 762
in section 2929.32 of the Revised Code, may impose upon the 763
offender a fine in accordance with that section. Financial 764
sanctions that may be imposed pursuant to this section include, 765
but are not limited to, the following: 766

(1) Restitution by the offender to the victim of the 767
offender's crime or any survivor of the victim, in an amount 768
based on the victim's economic loss. If the court imposes 769
restitution, the court shall order that the restitution be made 770
to the victim in open court, to the adult probation department 771
that serves the county on behalf of the victim, to the clerk of 772
courts, or to another agency designated by the court. If the 773
court imposes restitution, at sentencing, the court shall 774
determine the amount of restitution to be made by the offender. 775
If the court imposes restitution, the court may base the amount 776
of restitution it orders on an amount recommended by the victim, 777

the offender, a presentence investigation report, estimates or 778
receipts indicating the cost of repairing or replacing property, 779
and other information, provided that the amount the court orders 780
as restitution shall not exceed the amount of the economic loss 781
suffered by the victim as a direct and proximate result of the 782
commission of the offense. If the court imposes restitution for 783
the cost of accounting or auditing done to determine the extent 784
of economic loss, the court may order restitution for any amount 785
of the victim's costs of accounting or auditing provided that 786
the amount of restitution is reasonable and does not exceed the 787
value of property or services stolen or damaged as a result of 788
the offense. If the court decides to impose restitution, the 789
court shall hold a hearing on restitution if the offender, 790
victim, or survivor disputes the amount. All restitution 791
payments shall be credited against any recovery of economic loss 792
in a civil action brought by the victim or any survivor of the 793
victim against the offender. 794

If the court imposes restitution, the court may order that 795
the offender pay a surcharge of not more than five per cent of 796
the amount of the restitution otherwise ordered to the entity 797
responsible for collecting and processing restitution payments. 798

The victim or survivor may request that the prosecutor in 799
the case file a motion, or the offender may file a motion, for 800
modification of the payment terms of any restitution ordered. If 801
the court grants the motion, it may modify the payment terms as 802
it determines appropriate. 803

(2) Except as provided in division (B) (1), (3), or (4) of 804
this section, a fine payable by the offender to the state, to a 805
political subdivision, or as described in division (B) (2) of 806
this section to one or more law enforcement agencies, with the 807

amount of the fine based on a standard percentage of the 808
offender's daily income over a period of time determined by the 809
court and based upon the seriousness of the offense. A fine 810
ordered under this division shall not exceed the maximum 811
conventional fine amount authorized for the level of the offense 812
under division (A) (3) of this section. 813

(3) Except as provided in division (B) (1), (3), or (4) of 814
this section, a fine payable by the offender to the state, to a 815
political subdivision when appropriate for a felony, or as 816
described in division (B) (2) of this section to one or more law 817
enforcement agencies, in the following amount: 818

(a) For a felony of the first degree, not more than twenty 819
thousand dollars; 820

(b) For a felony of the second degree, not more than 821
fifteen thousand dollars; 822

(c) For a felony of the third degree, not more than ten 823
thousand dollars; 824

(d) For a felony of the fourth degree, not more than five 825
thousand dollars; 826

(e) For a felony of the fifth degree, not more than two 827
thousand five hundred dollars. 828

(4) A state fine or costs as defined in section 2949.111 829
of the Revised Code. 830

(5) (a) Reimbursement by the offender of any or all of the 831
costs of sanctions incurred by the government, including the 832
following: 833

(i) All or part of the costs of implementing any community 834
control sanction, including a supervision fee under section 835

2951.021 of the Revised Code; 836

(ii) All or part of the costs of confinement under a 837
sanction imposed pursuant to section 2929.14, 2929.142, or 838
2929.16 of the Revised Code, provided that the amount of 839
reimbursement ordered under this division shall not exceed the 840
total amount of reimbursement the offender is able to pay as 841
determined at a hearing and shall not exceed the actual cost of 842
the confinement; 843

(iii) All or part of the cost of purchasing and using an 844
immobilizing or disabling device, including a certified ignition 845
interlock device, or a remote alcohol monitoring device that a 846
court orders an offender to use under section 4510.13 of the 847
Revised Code. 848

(b) If the offender is sentenced to a sanction of 849
confinement pursuant to section 2929.14 or 2929.16 of the 850
Revised Code that is to be served in a facility operated by a 851
board of county commissioners, a legislative authority of a 852
municipal corporation, or another local governmental entity, if, 853
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 854
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 855
section 2929.37 of the Revised Code, the board, legislative 856
authority, or other local governmental entity requires prisoners 857
to reimburse the county, municipal corporation, or other entity 858
for its expenses incurred by reason of the prisoner's 859
confinement, and if the court does not impose a financial 860
sanction under division (A) (5) (a) (ii) of this section, 861
confinement costs may be assessed pursuant to section 2929.37 of 862
the Revised Code. In addition, the offender may be required to 863
pay the fees specified in section 2929.38 of the Revised Code in 864
accordance with that section. 865

(c) Reimbursement by the offender for costs pursuant to 866
section 2929.71 of the Revised Code. 867

(B)(1) For a first, second, or third degree felony 868
violation of any provision of Chapter 2925., 3719., or 4729. of 869
the Revised Code, the sentencing court shall impose upon the 870
offender a mandatory fine of at least one-half of, but not more 871
than, the maximum statutory fine amount authorized for the level 872
of the offense pursuant to division (A)(3) of this section. If 873
an offender alleges in an affidavit filed with the court prior 874
to sentencing that the offender is indigent and unable to pay 875
the mandatory fine and if the court determines the offender is 876
an indigent person and is unable to pay the mandatory fine 877
described in this division, the court shall not impose the 878
mandatory fine upon the offender. 879

(2) Any mandatory fine imposed upon an offender under 880
division (B)(1) of this section and any fine imposed upon an 881
offender under division (A)(2) or (3) of this section for any 882
fourth or fifth degree felony violation of any provision of 883
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 884
to law enforcement agencies pursuant to division (F) of section 885
2925.03 of the Revised Code. 886

(3) For a fourth degree felony OVI offense and for a third 887
degree felony OVI offense, the sentencing court shall impose 888
upon the offender a mandatory fine in the amount specified in 889
division (G)(1)(d) or (e) of section 4511.19 of the Revised 890
Code, whichever is applicable. The mandatory fine so imposed 891
shall be disbursed as provided in the division pursuant to which 892
it is imposed. 893

(4) Notwithstanding any fine otherwise authorized or 894
required to be imposed under division (A)(2) or (3) or (B)(1) of 895

this section or section 2929.31 of the Revised Code for a 896
violation of section 2925.03 of the Revised Code, in addition to 897
any penalty or sanction imposed for that offense under section 898
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 899
in addition to the forfeiture of property in connection with the 900
offense as prescribed in Chapter 2981. of the Revised Code, the 901
court that sentences an offender for a violation of section 902
2925.03 of the Revised Code may impose upon the offender a fine 903
in addition to any fine imposed under division (A) (2) or (3) of 904
this section and in addition to any mandatory fine imposed under 905
division (B) (1) of this section. The fine imposed under division 906
(B) (4) of this section shall be used as provided in division (H) 907
of section 2925.03 of the Revised Code. A fine imposed under 908
division (B) (4) of this section shall not exceed whichever of 909
the following is applicable: 910

(a) The total value of any personal or real property in 911
which the offender has an interest and that was used in the 912
course of, intended for use in the course of, derived from, or 913
realized through conduct in violation of section 2925.03 of the 914
Revised Code, including any property that constitutes proceeds 915
derived from that offense; 916

(b) If the offender has no interest in any property of the 917
type described in division (B) (4) (a) of this section or if it is 918
not possible to ascertain whether the offender has an interest 919
in any property of that type in which the offender may have an 920
interest, the amount of the mandatory fine for the offense 921
imposed under division (B) (1) of this section or, if no 922
mandatory fine is imposed under division (B) (1) of this section, 923
the amount of the fine authorized for the level of the offense 924
imposed under division (A) (3) of this section. 925

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

(6) If the sum total of a mandatory fine amount imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code under division (B) (1) of this section plus the amount of any fine imposed under division (B) (4) of this section does not exceed the maximum statutory fine amount authorized for the level of the offense under division (A) (3) of this section or section 2929.31 of the Revised Code, the court may impose a fine for the offense in addition to the mandatory fine and the fine imposed under division (B) (4) of this section. The sum total of the amounts of the mandatory fine, the fine imposed under division (B) (4) of this section, and the additional fine imposed under division (B) (6) of this section shall not exceed the maximum statutory fine amount authorized for the level of the offense under division (A) (3) of this section or section 2929.31 of the Revised Code. The clerk of the court shall pay any fine that is imposed under division (B) (6) of this section to the county, township, municipal corporation, park district as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement

agencies in this state that primarily were responsible for or 957
involved in making the arrest of, and in prosecuting, the 958
offender pursuant to division (F) of section 2925.03 of the 959
Revised Code. 960

(7) If the sum total of the amount of a mandatory fine 961
imposed for a first, second, or third degree felony violation of 962
section 2925.03 of the Revised Code plus the amount of any fine 963
imposed under division (B) (4) of this section exceeds the 964
maximum statutory fine amount authorized for the level of the 965
offense under division (A) (3) of this section or section 2929.31 966
of the Revised Code, the court shall not impose a fine under 967
division (B) (6) of this section. 968

(8) (a) If an offender who is convicted of or pleads guilty 969
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 970
2923.32, division (A) (1) or (2) of section 2907.323 involving a 971
minor, or division (B) (1), (2), (3), (4), or (5) of section 972
2919.22 of the Revised Code also is convicted of or pleads 973
guilty to a specification of the type described in section 974
2941.1422 of the Revised Code that charges that the offender 975
knowingly committed the offense in furtherance of human 976
trafficking, the sentencing court shall sentence the offender to 977
a financial sanction of restitution by the offender to the 978
victim or any survivor of the victim, with the restitution 979
including the costs of housing, counseling, and medical and 980
legal assistance incurred by the victim as a direct result of 981
the offense and the greater of the following: 982

(i) The gross income or value to the offender of the 983
victim's labor or services; 984

(ii) The value of the victim's labor as guaranteed under 985
the minimum wage and overtime provisions of the "Federal Fair 986

Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 987
state labor laws. 988

(b) If a court imposing sentence upon an offender for a 989
felony is required to impose upon the offender a financial 990
sanction of restitution under division (B) (8) (a) of this 991
section, in addition to that financial sanction of restitution, 992
the court may sentence the offender to any other financial 993
sanction or combination of financial sanctions authorized under 994
this section, including a restitution sanction under division 995
(A) (1) of this section. 996

(9) In addition to any other fine that is or may be 997
imposed under this section, the court imposing sentence upon an 998
offender for a felony that is a sexually oriented offense or a 999
child-victim oriented offense, as those terms are defined in 1000
section 2950.01 of the Revised Code, may impose a fine of not 1001
less than fifty nor more than five hundred dollars. 1002

(10) For a felony violation of division (A) of section 1003
2921.321 of the Revised Code that results in the death of the 1004
police dog or horse that is the subject of the violation, the 1005
sentencing court shall impose upon the offender a mandatory fine 1006
from the range of fines provided under division (A) (3) of this 1007
section for a felony of the third degree. A mandatory fine 1008
imposed upon an offender under division (B) (10) of this section 1009
shall be paid to the law enforcement agency that was served by 1010
the police dog or horse that was killed in the felony violation 1011
of division (A) of section 2921.321 of the Revised Code to be 1012
used as provided in division (E) (1) (b) of that section. 1013

(11) In addition to any other fine that is or may be 1014
imposed under this section, the court imposing sentence upon an 1015
offender for any of the following offenses that is a felony may 1016

impose a fine of not less than seventy nor more than five 1017
hundred dollars, which shall be transmitted to the treasurer of 1018
state to be credited to the address confidentiality program fund 1019
created by section 111.48 of the Revised Code: 1020

(a) Domestic violence; 1021

(b) Menacing by stalking; 1022

(c) Rape; 1023

(d) Sexual battery; 1024

(e) Trafficking in persons; 1025

(f) A violation of section 2905.01, 2905.02, 2907.21, 1026
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1027
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1028
section 2919.22 of the Revised Code, if the offender also is 1029
convicted of a specification of the type described in section 1030
2941.1422 of the Revised Code that charges that the offender 1031
knowingly committed the offense in furtherance of human 1032
trafficking. 1033

(C) (1) Except as provided in section 2951.021 of the 1034
Revised Code, the offender shall pay reimbursements imposed upon 1035
the offender pursuant to division (A) (5) (a) of this section to 1036
pay the costs incurred by a county pursuant to any sanction 1037
imposed under this section or section 2929.16 or 2929.17 of the 1038
Revised Code or in operating a facility used to confine 1039
offenders pursuant to a sanction imposed under section 2929.16 1040
of the Revised Code to the county treasurer. The county 1041
treasurer shall deposit the reimbursements in the sanction cost 1042
reimbursement fund that each board of county commissioners shall 1043
create in its county treasury. The county shall use the amounts 1044
deposited in the fund to pay the costs incurred by the county 1045

pursuant to any sanction imposed under this section or section 1046
2929.16 or 2929.17 of the Revised Code or in operating a 1047
facility used to confine offenders pursuant to a sanction 1048
imposed under section 2929.16 of the Revised Code. 1049

(2) Except as provided in section 2951.021 of the Revised 1050
Code, the offender shall pay reimbursements imposed upon the 1051
offender pursuant to division (A) (5) (a) of this section to pay 1052
the costs incurred by a municipal corporation pursuant to any 1053
sanction imposed under this section or section 2929.16 or 1054
2929.17 of the Revised Code or in operating a facility used to 1055
confine offenders pursuant to a sanction imposed under section 1056
2929.16 of the Revised Code to the treasurer of the municipal 1057
corporation. The treasurer shall deposit the reimbursements in a 1058
special fund that shall be established in the treasury of each 1059
municipal corporation. The municipal corporation shall use the 1060
amounts deposited in the fund to pay the costs incurred by the 1061
municipal corporation pursuant to any sanction imposed under 1062
this section or section 2929.16 or 2929.17 of the Revised Code 1063
or in operating a facility used to confine offenders pursuant to 1064
a sanction imposed under section 2929.16 of the Revised Code. 1065

(3) Except as provided in section 2951.021 of the Revised 1066
Code, the offender shall pay reimbursements imposed pursuant to 1067
division (A) (5) (a) of this section for the costs incurred by a 1068
private provider pursuant to a sanction imposed under this 1069
section or section 2929.16 or 2929.17 of the Revised Code to the 1070
provider. 1071

(D) Except as otherwise provided in this division, a 1072
financial sanction imposed pursuant to division (A) or (B) of 1073
this section is a judgment in favor of the state or a political 1074
subdivision in which the court that imposed the financial 1075

sanction is located, and the offender subject to the financial 1076
sanction is the judgment debtor. A financial sanction of 1077
reimbursement imposed pursuant to division (A)(5)(a)(ii) of this 1078
section upon an offender who is incarcerated in a state facility 1079
or a municipal jail is a judgment in favor of the state or the 1080
municipal corporation, and the offender subject to the financial 1081
sanction is the judgment debtor. A financial sanction of 1082
reimbursement imposed upon an offender pursuant to this section 1083
for costs incurred by a private provider of sanctions is a 1084
judgment in favor of the private provider, and the offender 1085
subject to the financial sanction is the judgment debtor. A 1086
financial sanction of a mandatory fine imposed under division 1087
(B)(10) of this section that is required under that division to 1088
be paid to a law enforcement agency is a judgment in favor of 1089
the specified law enforcement agency, and the offender subject 1090
to the financial sanction is the judgment debtor. A financial 1091
sanction of restitution imposed pursuant to division (A)(1) or 1092
(B)(8) of this section is an order in favor of the victim of the 1093
offender's criminal act that can be collected through a 1094
certificate of judgment as described in division (D)(1) of this 1095
section, through execution as described in division (D)(2) of 1096
this section, or through an order as described in division (D) 1097
(3) of this section, and the offender shall be considered for 1098
purposes of the collection as the judgment debtor. Imposition of 1099
a financial sanction and execution on the judgment does not 1100
preclude any other power of the court to impose or enforce 1101
sanctions on the offender. Once the financial sanction is 1102
imposed as a judgment or order under this division, the victim, 1103
private provider, state, or political subdivision may do any of 1104
the following: 1105

(1) Obtain from the clerk of the court in which the 1106

judgment was entered a certificate of judgment that shall be in 1107
the same manner and form as a certificate of judgment issued in 1108
a civil action; 1109

(2) Obtain execution of the judgment or order through any 1110
available procedure, including: 1111

(a) An execution against the property of the judgment 1112
debtor under Chapter 2329. of the Revised Code; 1113

(b) An execution against the person of the judgment debtor 1114
under Chapter 2331. of the Revised Code; 1115

(c) A proceeding in aid of execution under Chapter 2333. 1116
of the Revised Code, including: 1117

(i) A proceeding for the examination of the judgment 1118
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 1119
2333.27 of the Revised Code; 1120

(ii) A proceeding for attachment of the person of the 1121
judgment debtor under section 2333.28 of the Revised Code; 1122

(iii) A creditor's suit under section 2333.01 of the 1123
Revised Code. 1124

(d) The attachment of the property of the judgment debtor 1125
under Chapter 2715. of the Revised Code; 1126

(e) The garnishment of the property of the judgment debtor 1127
under Chapter 2716. of the Revised Code. 1128

(3) Obtain an order for the assignment of wages of the 1129
judgment debtor under section 1321.33 of the Revised Code. 1130

(E) A court that imposes a financial sanction upon an 1131
offender may hold a hearing if necessary to determine whether 1132
the offender is able to pay the sanction or is likely in the 1133

future to be able to pay it. 1134

(F) Each court imposing a financial sanction upon an 1135
offender under this section or under section 2929.32 of the 1136
Revised Code may designate the clerk of the court or another 1137
person to collect the financial sanction. The clerk or other 1138
person authorized by law or the court to collect the financial 1139
sanction may enter into contracts with one or more public 1140
agencies or private vendors for the collection of, amounts due 1141
under the financial sanction imposed pursuant to this section or 1142
section 2929.32 of the Revised Code. Before entering into a 1143
contract for the collection of amounts due from an offender 1144
pursuant to any financial sanction imposed pursuant to this 1145
section or section 2929.32 of the Revised Code, a court shall 1146
comply with sections 307.86 to 307.92 of the Revised Code. 1147

(G) If a court that imposes a financial sanction under 1148
division (A) or (B) of this section finds that an offender 1149
satisfactorily has completed all other sanctions imposed upon 1150
the offender and that all restitution that has been ordered has 1151
been paid as ordered, the court may suspend any financial 1152
sanctions imposed pursuant to this section or section 2929.32 of 1153
the Revised Code that have not been paid. 1154

(H) No financial sanction imposed under this section or 1155
section 2929.32 of the Revised Code shall preclude a victim from 1156
bringing a civil action against the offender. 1157

Sec. 2929.28. (A) In addition to imposing court costs 1158
pursuant to section 2947.23 of the Revised Code, the court 1159
imposing a sentence upon an offender for a misdemeanor, 1160
including a minor misdemeanor, may sentence the offender to any 1161
financial sanction or combination of financial sanctions 1162
authorized under this section. If the court in its discretion 1163

imposes one or more financial sanctions, the financial sanctions 1164
that may be imposed pursuant to this section include, but are 1165
not limited to, the following: 1166

(1) Unless the misdemeanor offense is a minor misdemeanor 1167
or could be disposed of by the traffic violations bureau serving 1168
the court under Traffic Rule 13, restitution by the offender to 1169
the victim of the offender's crime or any survivor of the 1170
victim, in an amount based on the victim's economic loss. The 1171
court may not impose restitution as a sanction pursuant to this 1172
division if the offense is a minor misdemeanor or could be 1173
disposed of by the traffic violations bureau serving the court 1174
under Traffic Rule 13. If the court requires restitution, the 1175
court shall order that the restitution be made to the victim in 1176
open court or to the adult probation department that serves the 1177
jurisdiction or the clerk of the court on behalf of the victim. 1178

If the court imposes restitution, the court shall 1179
determine the amount of restitution to be paid by the offender. 1180
If the court imposes restitution, the court may base the amount 1181
of restitution it orders on an amount recommended by the victim, 1182
the offender, a presentence investigation report, estimates or 1183
receipts indicating the cost of repairing or replacing property, 1184
and other information, provided that the amount the court orders 1185
as restitution shall not exceed the amount of the economic loss 1186
suffered by the victim as a direct and proximate result of the 1187
commission of the offense. If the court imposes restitution for 1188
the cost of accounting or auditing done to determine the extent 1189
of economic loss, the court may order restitution for any amount 1190
of the victim's costs of accounting or auditing provided that 1191
the amount of restitution is reasonable and does not exceed the 1192
value of property or services stolen or damaged as a result of 1193
the offense. If the court decides to impose restitution, the 1194

court shall hold an evidentiary hearing on restitution if the 1195
offender, victim, or survivor disputes the amount of 1196
restitution. If the court holds an evidentiary hearing, at the 1197
hearing the victim or survivor has the burden to prove by a 1198
preponderance of the evidence the amount of restitution sought 1199
from the offender. 1200

All restitution payments shall be credited against any 1201
recovery of economic loss in a civil action brought by the 1202
victim or any survivor of the victim against the offender. No 1203
person may introduce evidence of an award of restitution under 1204
this section in a civil action for purposes of imposing 1205
liability against an insurer under section 3937.18 of the 1206
Revised Code. 1207

If the court imposes restitution, the court may order that 1208
the offender pay a surcharge, of not more than five per cent of 1209
the amount of the restitution otherwise ordered, to the entity 1210
responsible for collecting and processing restitution payments. 1211

The victim or survivor may request that the prosecutor in 1212
the case file a motion, or the offender may file a motion, for 1213
modification of the payment terms of any restitution ordered. If 1214
the court grants the motion, it may modify the payment terms as 1215
it determines appropriate. 1216

(2) A fine of the type described in divisions (A) (2) (a) 1217
and (b) of this section payable to the appropriate entity as 1218
required by law: 1219

(a) A fine in the following amount: 1220

(i) For a misdemeanor of the first degree, not more than 1221
one thousand dollars; 1222

(ii) For a misdemeanor of the second degree, not more than 1223

seven hundred fifty dollars;	1224
(iii) For a misdemeanor of the third degree, not more than	1225
five hundred dollars;	1226
(iv) For a misdemeanor of the fourth degree, not more than	1227
two hundred fifty dollars;	1228
(v) For a minor misdemeanor, not more than one hundred	1229
fifty dollars.	1230
(b) A state fine or cost as defined in section 2949.111 of	1231
the Revised Code.	1232
(3) (a) Reimbursement by the offender of any or all of the	1233
costs of sanctions incurred by the government, including, but	1234
not limited to, the following:	1235
(i) All or part of the costs of implementing any community	1236
control sanction, including a supervision fee under section	1237
2951.021 of the Revised Code;	1238
(ii) All or part of the costs of confinement in a jail or	1239
other residential facility, including, but not limited to, a per	1240
diem fee for room and board, the costs of medical and dental	1241
treatment, and the costs of repairing property damaged by the	1242
offender while confined;	1243
(iii) All or part of the cost of purchasing and using an	1244
immobilizing or disabling device, including a certified ignition	1245
interlock device, or a remote alcohol monitoring device that a	1246
court orders an offender to use under section 4510.13 of the	1247
Revised Code.	1248
(b) The amount of reimbursement ordered under division (A)	1249
(3) (a) of this section shall not exceed the total amount of	1250
reimbursement the offender is able to pay and shall not exceed	1251

the actual cost of the sanctions. The court may collect any 1252
amount of reimbursement the offender is required to pay under 1253
that division. If the court does not order reimbursement under 1254
that division, confinement costs may be assessed pursuant to a 1255
repayment policy adopted under section 2929.37 of the Revised 1256
Code. In addition, the offender may be required to pay the fees 1257
specified in section 2929.38 of the Revised Code in accordance 1258
with that section. 1259

(B) If the court determines a hearing is necessary, the 1260
court may hold a hearing to determine whether the offender is 1261
able to pay the financial sanction imposed pursuant to this 1262
section or court costs or is likely in the future to be able to 1263
pay the sanction or costs. 1264

If the court determines that the offender is indigent and 1265
unable to pay the financial sanction or court costs, the court 1266
shall consider imposing and may impose a term of community 1267
service under division (A) of section 2929.27 of the Revised 1268
Code in lieu of imposing a financial sanction or court costs. If 1269
the court does not determine that the offender is indigent, the 1270
court may impose a term of community service under division (A) 1271
of section 2929.27 of the Revised Code in lieu of or in addition 1272
to imposing a financial sanction under this section and in 1273
addition to imposing court costs. The court may order community 1274
service for a minor misdemeanor pursuant to division (D) of 1275
section 2929.27 of the Revised Code in lieu of or in addition to 1276
imposing a financial sanction under this section and in addition 1277
to imposing court costs. If a person fails to pay a financial 1278
sanction or court costs, the court may order community service 1279
in lieu of the financial sanction or court costs. 1280

(C) (1) The offender shall pay reimbursements imposed upon 1281

the offender pursuant to division (A) (3) of this section to pay 1282
the costs incurred by a county pursuant to any sanction imposed 1283
under this section or section 2929.26 or 2929.27 of the Revised 1284
Code or in operating a facility used to confine offenders 1285
pursuant to a sanction imposed under section 2929.26 of the 1286
Revised Code to the county treasurer. The county treasurer shall 1287
deposit the reimbursements in the county's general fund. The 1288
county shall use the amounts deposited in the fund to pay the 1289
costs incurred by the county pursuant to any sanction imposed 1290
under this section or section 2929.26 or 2929.27 of the Revised 1291
Code or in operating a facility used to confine offenders 1292
pursuant to a sanction imposed under section 2929.26 of the 1293
Revised Code. 1294

(2) The offender shall pay reimbursements imposed upon the 1295
offender pursuant to division (A) (3) of this section to pay the 1296
costs incurred by a municipal corporation pursuant to any 1297
sanction imposed under this section or section 2929.26 or 1298
2929.27 of the Revised Code or in operating a facility used to 1299
confine offenders pursuant to a sanction imposed under section 1300
2929.26 of the Revised Code to the treasurer of the municipal 1301
corporation. The treasurer shall deposit the reimbursements in 1302
the municipal corporation's general fund. The municipal 1303
corporation shall use the amounts deposited in the fund to pay 1304
the costs incurred by the municipal corporation pursuant to any 1305
sanction imposed under this section or section 2929.26 or 1306
2929.27 of the Revised Code or in operating a facility used to 1307
confine offenders pursuant to a sanction imposed under section 1308
2929.26 of the Revised Code. 1309

(3) The offender shall pay reimbursements imposed pursuant 1310
to division (A) (3) of this section for the costs incurred by a 1311
private provider pursuant to a sanction imposed under this 1312

section or section 2929.26 or 2929.27 of the Revised Code to the 1313
provider. 1314

(D) In addition to any other fine that is or may be 1315
imposed under this section, the court imposing sentence upon an 1316
offender for misdemeanor domestic violence or menacing by 1317
stalking may impose a fine of not less than seventy nor more 1318
than five hundred dollars, which shall be transmitted to the 1319
treasurer of state to be credited to the address confidentiality 1320
program fund created by section 111.48 of the Revised Code. 1321

(E) Except as otherwise provided in this division, a 1322
financial sanction imposed under division (A) of this section is 1323
a judgment in favor of the state or the political subdivision 1324
that operates the court that imposed the financial sanction, and 1325
the offender subject to the financial sanction is the judgment 1326
debtor. A financial sanction of reimbursement imposed pursuant 1327
to division (A) (3) (a) (i) of this section upon an offender is a 1328
judgment in favor of the entity administering the community 1329
control sanction, and the offender subject to the financial 1330
sanction is the judgment debtor. A financial sanction of 1331
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 1332
section upon an offender confined in a jail or other residential 1333
facility is a judgment in favor of the entity operating the jail 1334
or other residential facility, and the offender subject to the 1335
financial sanction is the judgment debtor. A financial sanction 1336
of restitution imposed pursuant to division (A) (1) of this 1337
section is an order in favor of the victim of the offender's 1338
criminal act that can be collected through a certificate of 1339
judgment as described in division (E) (1) of this section, 1340
through execution as described in division (E) (2) of this 1341
section, or through an order as described in division (E) (3) of 1342
this section, and the offender shall be considered for purposes 1343

of the collection as the judgment debtor. 1344

Once the financial sanction is imposed as a judgment or 1345
order under this division, the victim, private provider, state, 1346
or political subdivision may do any of the following: 1347

(1) Obtain from the clerk of the court in which the 1348
judgment was entered a certificate of judgment that shall be in 1349
the same manner and form as a certificate of judgment issued in 1350
a civil action; 1351

(2) Obtain execution of the judgment or order through any 1352
available procedure, including any of the procedures identified 1353
in divisions (E) (1) and (2) of section 2929.18 of the Revised 1354
Code. 1355

(3) Obtain an order for the assignment of wages of the 1356
judgment debtor under section 1321.33 of the Revised Code. 1357

(F) The civil remedies authorized under division (E) of 1358
this section for the collection of the financial sanction 1359
supplement, but do not preclude, enforcement of the criminal 1360
sentence. 1361

(G) Each court imposing a financial sanction upon an 1362
offender under this section may designate the clerk of the court 1363
or another person to collect the financial sanction. The clerk, 1364
or another person authorized by law or the court to collect the 1365
financial sanction may do the following: 1366

(1) Enter into contracts with one or more public agencies 1367
or private vendors for the collection of amounts due under the 1368
sanction. Before entering into a contract for the collection of 1369
amounts due from an offender pursuant to any financial sanction 1370
imposed pursuant to this section, a court shall comply with 1371
sections 307.86 to 307.92 of the Revised Code. 1372

(2) Permit payment of all or any portion of the sanction 1373
in installments, by financial transaction device if the court is 1374
a county court or a municipal court operated by a county, by 1375
credit or debit card or by another electronic transfer if the 1376
court is a municipal court not operated by a county, or by any 1377
other reasonable method, in any time, and on any terms that 1378
court considers just, except that the maximum time permitted for 1379
payment shall not exceed five years. If the court is a county 1380
court or a municipal court operated by a county, the acceptance 1381
of payments by any financial transaction device shall be 1382
governed by the policy adopted by the board of county 1383
commissioners of the county pursuant to section 301.28 of the 1384
Revised Code. If the court is a municipal court not operated by 1385
a county, the clerk may pay any fee associated with processing 1386
an electronic transfer out of public money or may charge the fee 1387
to the offender. 1388

(3) To defray administrative costs, charge a reasonable 1389
fee to an offender who elects a payment plan rather than a lump 1390
sum payment of any financial sanction. 1391

(H) No financial sanction imposed under this section shall 1392
preclude a victim from bringing a civil action against the 1393
offender. 1394

Section 2. That existing sections 105.41, 2929.01, 1395
2929.18, and 2929.28 of the Revised Code are hereby repealed. 1396

Section 3. Section 2929.01 of the Revised Code is 1397
presented in this act as a composite of the section as amended 1398
by Sub. H.B. 63, Sub. H.B. 411, Am. Sub. S.B. 1, Sub. S.B. 20, 1399
and Am. Sub. S.B. 201, all of the 132nd General Assembly. The 1400
General Assembly, applying the principle stated in division (B) 1401
of section 1.52 of the Revised Code that amendments are to be 1402

harmonized if reasonably capable of simultaneous operation, 1403
finds that the composite is the resulting version of the section 1404
in effect prior to the effective date of the section as 1405
presented in this act. 1406

Section 4. This act shall be known as the "Theft Victims' 1407
Restitution Act." 1408

Section 5. An individual who is an appointed member of the 1409
Capitol Square Review and Advisory Board under section 105.41 of 1410
the Revised Code, as of the effective date of this act, may be 1411
discharged without cause by the member's appointing authority on 1412
or after the effective date of this act. 1413

Section 6. Notwithstanding any contrary provision of 1414
section 101.34 of the Revised Code, during the 133rd General 1415
Assembly, if a member of the Joint Legislative Ethics Committee 1416
is or has been charged with or indicted for a violation of any 1417
of the offenses listed within section 101.721 of the Revised 1418
Code, that member's seat on the Committee shall be deemed 1419
vacant. The Speaker of the House of Representatives or the 1420
President of the Senate, as applicable, shall appoint a member 1421
to fill the vacancy not later than fifteen days after the seat 1422
becomes vacant. 1423

Section 7. This act is hereby declared to be an emergency 1424
measure necessary for the immediate preservation of the public 1425
peace, health, and safety. The reason for such necessity is to 1426
maintain the integrity of the Joint Legislative Ethics 1427
Committee. Therefore, this act shall go into immediate effect. 1428