

As Passed by the House

134th General Assembly

Regular Session

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Am. H. B. No. 462

Representatives Miller, K., Carfagna

**Cosponsors: Representatives Schmidt, Riedel, Click, Zeltwanger, Fraizer, Lipps,
Johnson, LaRe, Stewart, Miller, A., Abrams, Creech, Cross, Ghanbari, Ginter,
Grendell, Gross, Hall, Lampton, Patton, Richardson, Troy**

A BILL

To amend sections 2901.01 and 2929.18 and to enact 1
section 2917.321 of the Revised Code to prohibit 2
swatting and to add swatting to the definition 3
of an offense of violence. 4

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

Section 1. That sections 2901.01 and 2929.18 be amended 5
and section 2917.321 of the Revised Code be enacted to read as 6
follows: 7

Sec. 2901.01. (A) As used in the Revised Code: 8

(1) "Force" means any violence, compulsion, or constraint 9
physically exerted by any means upon or against a person or 10
thing. 11

(2) "Deadly force" means any force that carries a 12
substantial risk that it will proximately result in the death of 13
any person. 14

(3) "Physical harm to persons" means any injury, illness, 15
or other physiological impairment, regardless of its gravity or 16

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| duration. | 17 |
| (4) "Physical harm to property" means any tangible or | 18 |
| intangible damage to property that, in any degree, results in | 19 |
| loss to its value or interferes with its use or enjoyment. | 20 |
| "Physical harm to property" does not include wear and tear | 21 |
| occasioned by normal use. | 22 |
| (5) "Serious physical harm to persons" means any of the | 23 |
| following: | 24 |
| (a) Any mental illness or condition of such gravity as | 25 |
| would normally require hospitalization or prolonged psychiatric | 26 |
| treatment; | 27 |
| (b) Any physical harm that carries a substantial risk of | 28 |
| death; | 29 |
| (c) Any physical harm that involves some permanent | 30 |
| incapacity, whether partial or total, or that involves some | 31 |
| temporary, substantial incapacity; | 32 |
| (d) Any physical harm that involves some permanent | 33 |
| disfigurement or that involves some temporary, serious | 34 |
| disfigurement; | 35 |
| (e) Any physical harm that involves acute pain of such | 36 |
| duration as to result in substantial suffering or that involves | 37 |
| any degree of prolonged or intractable pain. | 38 |
| (6) "Serious physical harm to property" means any physical | 39 |
| harm to property that does either of the following: | 40 |
| (a) Results in substantial loss to the value of the | 41 |
| property or requires a substantial amount of time, effort, or | 42 |
| money to repair or replace; | 43 |

(b) Temporarily prevents the use or enjoyment of the 44
property or substantially interferes with its use or enjoyment 45
for an extended period of time. 46

(7) "Risk" means a significant possibility, as contrasted 47
with a remote possibility, that a certain result may occur or 48
that certain circumstances may exist. 49

(8) "Substantial risk" means a strong possibility, as 50
contrasted with a remote or significant possibility, that a 51
certain result may occur or that certain circumstances may 52
exist. 53

(9) "Offense of violence" means any of the following: 54

(a) A violation of section 2903.01, 2903.02, 2903.03, 55
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 56
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 57
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 58
2917.01, 2917.02, 2917.03, 2917.31, 2917.321, 2919.25, 2921.03, 59
2921.04, 2921.34, or 2923.161, of division (A) (1) of section 60
2903.34, of division (A) (1), (2), or (3) of section 2911.12, or 61
of division (B) (1), (2), (3), or (4) of section 2919.22 of the 62
Revised Code or felonious sexual penetration in violation of 63
former section 2907.12 of the Revised Code; 64

(b) A violation of an existing or former municipal 65
ordinance or law of this or any other state or the United 66
States, substantially equivalent to any section, division, or 67
offense listed in division (A) (9) (a) of this section; 68

(c) An offense, other than a traffic offense, under an 69
existing or former municipal ordinance or law of this or any 70
other state or the United States, committed purposely or 71
knowingly, and involving physical harm to persons or a risk of 72

serious physical harm to persons; 73

(d) A conspiracy or attempt to commit, or complicity in 74
committing, any offense under division (A) (9) (a), (b), or (c) of 75
this section. 76

(10) (a) "Property" means any property, real or personal, 77
tangible or intangible, and any interest or license in that 78
property. "Property" includes, but is not limited to, cable 79
television service, other telecommunications service, 80
telecommunications devices, information service, computers, 81
data, computer software, financial instruments associated with 82
computers, other documents associated with computers, or copies 83
of the documents, whether in machine or human readable form, 84
trade secrets, trademarks, copyrights, patents, and property 85
protected by a trademark, copyright, or patent. "Financial 86
instruments associated with computers" include, but are not 87
limited to, checks, drafts, warrants, money orders, notes of 88
indebtedness, certificates of deposit, letters of credit, bills 89
of credit or debit cards, financial transaction authorization 90
mechanisms, marketable securities, or any computer system 91
representations of any of them. 92

(b) As used in division (A) (10) of this section, "trade 93
secret" has the same meaning as in section 1333.61 of the 94
Revised Code, and "telecommunications service" and "information 95
service" have the same meanings as in section 2913.01 of the 96
Revised Code. 97

(c) As used in divisions (A) (10) and (13) of this section, 98
"cable television service," "computer," "computer software," 99
"computer system," "computer network," "data," and 100
"telecommunications device" have the same meanings as in section 101
2913.01 of the Revised Code. 102

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| (11) "Law enforcement officer" means any of the following: | 103 |
| (a) A sheriff, deputy sheriff, constable, police officer | 104 |
| of a township or joint police district, marshal, deputy marshal, | 105 |
| municipal police officer, member of a police force employed by a | 106 |
| metropolitan housing authority under division (D) of section | 107 |
| 3735.31 of the Revised Code, or state highway patrol trooper; | 108 |
| (b) An officer, agent, or employee of the state or any of | 109 |
| its agencies, instrumentalities, or political subdivisions, upon | 110 |
| whom, by statute, a duty to conserve the peace or to enforce all | 111 |
| or certain laws is imposed and the authority to arrest violators | 112 |
| is conferred, within the limits of that statutory duty and | 113 |
| authority; | 114 |
| (c) A mayor, in the mayor's capacity as chief conservator | 115 |
| of the peace within the mayor's municipal corporation; | 116 |
| (d) A member of an auxiliary police force organized by | 117 |
| county, township, or municipal law enforcement authorities, | 118 |
| within the scope of the member's appointment or commission; | 119 |
| (e) A person lawfully called pursuant to section 311.07 of | 120 |
| the Revised Code to aid a sheriff in keeping the peace, for the | 121 |
| purposes and during the time when the person is called; | 122 |
| (f) A person appointed by a mayor pursuant to section | 123 |
| 737.01 of the Revised Code as a special patrolling officer | 124 |
| during riot or emergency, for the purposes and during the time | 125 |
| when the person is appointed; | 126 |
| (g) A member of the organized militia of this state or the | 127 |
| armed forces of the United States, lawfully called to duty to | 128 |
| aid civil authorities in keeping the peace or protect against | 129 |
| domestic violence; | 130 |

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| (h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor; | 131 132 |
| (i) A veterans' home police officer appointed under section 5907.02 of the Revised Code; | 133 134 |
| (j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code; | 135 136 137 |
| (k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; | 138 139 |
| (l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E) (1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms; | 140 141 142 143 |
| (m) The senate sergeant at arms and an assistant senate sergeant at arms; | 144 145 |
| (n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended. | 146 147 148 149 150 151 152 153 154 155 |
| (12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity. | 156 157 158 159 |

(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:

(a) Any controlled substance, as defined in section 3719.01 of the Revised Code, or any device or paraphernalia;

(b) Any unlawful gambling device or paraphernalia;

(c) Any dangerous ordnance or obscene material.

(14) A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in section 2901.05 of the Revised Code, that at the time of the commission of the offense, the person did not know, as a result of a severe mental disease or defect, the wrongfulness of the person's acts.

(B) (1) (a) Subject to division (B) (2) of this section, as used in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense, "person" includes all of the following:

(i) An individual, corporation, business trust, estate, trust, partnership, and association;

(ii) An unborn human who is viable.

(b) As used in any section contained in Title XXIX of the Revised Code that does not set forth a criminal offense, "person" includes an individual, corporation, business trust, estate, trust, partnership, and association.

(c) As used in division (B) (1) (a) of this section:

(i) "Unborn human" means an individual organism of the species Homo sapiens from fertilization until live birth. 188
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(ii) "Viable" means the stage of development of a human fetus at which there is a realistic possibility of maintaining and nourishing of a life outside the womb with or without temporary artificial life-sustaining support. 190
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(2) Notwithstanding division (B) (1) (a) of this section, in no case shall the portion of the definition of the term "person" that is set forth in division (B) (1) (a) (ii) of this section be applied or construed in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense in any of the following manners: 194
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(a) Except as otherwise provided in division (B) (2) (a) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 of the Revised Code, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence, but that does violate section 2919.12, division (B) of section 2919.13, or section 2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may be punished as a violation of section 2919.12, division (B) of section 2919.13, or section 2919.15, 2919.151, 2919.17, or 200
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| 2919.18 of the Revised Code, as applicable. Consent is | 218 |
| sufficient under this division if it is of the type otherwise | 219 |
| adequate to permit medical treatment to the pregnant woman, even | 220 |
| if it does not comply with section 2919.12 of the Revised Code. | 221 |
| (b) In a manner so that the offense is applied or is | 222 |
| construed as applying to a woman based on an act or omission of | 223 |
| the woman that occurs while she is or was pregnant and that | 224 |
| results in any of the following: | 225 |
| (i) Her delivery of a stillborn baby; | 226 |
| (ii) Her causing, in any other manner, the death in utero | 227 |
| of a viable, unborn human that she is carrying; | 228 |
| (iii) Her causing the death of her child who is born alive | 229 |
| but who dies from one or more injuries that are sustained while | 230 |
| the child is a viable, unborn human; | 231 |
| (iv) Her causing her child who is born alive to sustain | 232 |
| one or more injuries while the child is a viable, unborn human; | 233 |
| (v) Her causing, threatening to cause, or attempting to | 234 |
| cause, in any other manner, an injury, illness, or other | 235 |
| physiological impairment, regardless of its duration or gravity, | 236 |
| or a mental illness or condition, regardless of its duration or | 237 |
| gravity, to a viable, unborn human that she is carrying. | 238 |
| (C) As used in Title XXIX of the Revised Code: | 239 |
| (1) "School safety zone" consists of a school, school | 240 |
| building, school premises, school activity, and school bus. | 241 |
| (2) "School," "school building," and "school premises" | 242 |
| have the same meanings as in section 2925.01 of the Revised | 243 |
| Code. | 244 |

(3) "School activity" means any activity held under the 245
auspices of a board of education of a city, local, exempted 246
village, joint vocational, or cooperative education school 247
district; a governing authority of a community school 248
established under Chapter 3314. of the Revised Code; a governing 249
board of an educational service center, or the governing body of 250
a school for which the state board of education prescribes 251
minimum standards under section 3301.07 of the Revised Code. 252

(4) "School bus" has the same meaning as in section 253
4511.01 of the Revised Code. 254

Sec. 2917.321. (A) As used in this section: 255

(1) "Emergency response" means an action taken by a law 256
enforcement agency to preserve the life, health, safety, or 257
property of any person. 258

(2) "Public safety answering point" and "emergency service 259
provider" have the same meanings as in section 128.01 of the 260
Revised Code. 261

(3) "Telecommunications device" and "telecommunications 262
service" have the same meanings as in section 2913.01 of the 263
Revised Code. 264

(B) No person by means of a telecommunications device or 265
telecommunications service shall purposely trigger an emergency 266
response when no emergency response is warranted by reporting or 267
causing to be reported false or misleading information to a law 268
enforcement agency, emergency service provider, or public safety 269
answering point. 270

(C) This section does not apply to any person conducting 271
an authorized emergency drill. 272

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| <u>(D) (1) Whoever violates this section is guilty of</u> | 273 |
| <u>swatting.</u> | 274 |
| <u>(2) Except as otherwise provided in division (D) (3) of</u> | 275 |
| <u>this section, swatting is a felony of the third degree.</u> | 276 |
| <u>(3) If a violation of this section results in serious</u> | 277 |
| <u>physical harm to any person, it is a felony of the second</u> | 278 |
| <u>degree.</u> | 279 |
| <u>(E) Prior to the sentencing of a person who has been</u> | 280 |
| <u>convicted of or pleaded guilty to a violation of this section,</u> | 281 |
| <u>the court shall enter an order that directs any law enforcement</u> | 282 |
| <u>agency or emergency service provider involved in the emergency</u> | 283 |
| <u>response that wishes to be reimbursed for the costs incurred by</u> | 284 |
| <u>the agency or provider during the emergency response, to file</u> | 285 |
| <u>with the court within a specified time an itemized statement of</u> | 286 |
| <u>those costs. The court may then order the offender to reimburse</u> | 287 |
| <u>the agency for all or a portion of those costs under section</u> | 288 |
| <u>2929.18 of the Revised Code.</u> | 289 |
| <u>(F) Any act that is a violation of this section and any</u> | 290 |
| <u>other section of the Revised Code may be prosecuted under this</u> | 291 |
| <u>section, the other section, or both sections.</u> | 292 |
| Sec. 2929.18. (A) Except as otherwise provided in this | 293 |
| division and in addition to imposing court costs pursuant to | 294 |
| section 2947.23 of the Revised Code, the court imposing a | 295 |
| sentence upon an offender for a felony may sentence the offender | 296 |
| to any financial sanction or combination of financial sanctions | 297 |
| authorized under this section or, in the circumstances specified | 298 |
| in section 2929.32 of the Revised Code, may impose upon the | 299 |
| offender a fine in accordance with that section. Financial | 300 |
| sanctions that may be imposed pursuant to this section include, | 301 |

but are not limited to, the following: 302

(1) Restitution by the offender to the victim of the 303
offender's crime or any survivor of the victim, in an amount 304
based on the victim's economic loss. If the court imposes 305
restitution, the court shall order that the restitution be made 306
to the victim in open court, to the adult probation department 307
that serves the county on behalf of the victim, to the clerk of 308
courts, or to another agency designated by the court. If the 309
court imposes restitution, at sentencing, the court shall 310
determine the amount of restitution to be made by the offender. 311
If the court imposes restitution, the court may base the amount 312
of restitution it orders on an amount recommended by the victim, 313
the offender, a presentence investigation report, estimates or 314
receipts indicating the cost of repairing or replacing property, 315
and other information, provided that the amount the court orders 316
as restitution shall not exceed the amount of the economic loss 317
suffered by the victim as a direct and proximate result of the 318
commission of the offense. If the court imposes restitution for 319
the cost of accounting or auditing done to determine the extent 320
of economic loss, the court may order restitution for any amount 321
of the victim's costs of accounting or auditing provided that 322
the amount of restitution is reasonable and does not exceed the 323
value of property or services stolen or damaged as a result of 324
the offense. If the court decides to impose restitution, the 325
court shall hold a hearing on restitution if the offender, 326
victim, or survivor disputes the amount. All restitution 327
payments shall be credited against any recovery of economic loss 328
in a civil action brought by the victim or any survivor of the 329
victim against the offender. 330

If the court imposes restitution, the court may order that 331
the offender pay a surcharge of not more than five per cent of 332

the amount of the restitution otherwise ordered to the entity 333
responsible for collecting and processing restitution payments. 334

The victim or survivor may request that the prosecutor in 335
the case file a motion, or the offender may file a motion, for 336
modification of the payment terms of any restitution ordered. If 337
the court grants the motion, it may modify the payment terms as 338
it determines appropriate. 339

(2) Except as provided in division (B) (1), (3), or (4) of 340
this section, a fine payable by the offender to the state, to a 341
political subdivision, or as described in division (B) (2) of 342
this section to one or more law enforcement agencies, with the 343
amount of the fine based on a standard percentage of the 344
offender's daily income over a period of time determined by the 345
court and based upon the seriousness of the offense. A fine 346
ordered under this division shall not exceed the maximum 347
conventional fine amount authorized for the level of the offense 348
under division (A) (3) of this section. 349

(3) Except as provided in division (B) (1), (3), or (4) of 350
this section, a fine payable by the offender to the state, to a 351
political subdivision when appropriate for a felony, or as 352
described in division (B) (2) of this section to one or more law 353
enforcement agencies, in the following amount: 354

(a) For a felony of the first degree, not more than twenty 355
thousand dollars; 356

(b) For a felony of the second degree, not more than 357
fifteen thousand dollars; 358

(c) For a felony of the third degree, not more than ten 359
thousand dollars; 360

(d) For a felony of the fourth degree, not more than five 361

thousand dollars; 362

(e) For a felony of the fifth degree, not more than two 363
thousand five hundred dollars. 364

(4) A state fine or costs as defined in section 2949.111 365
of the Revised Code. 366

(5) (a) Reimbursement by the offender of any or all of the 367
costs of sanctions incurred by the government, including the 368
following: 369

(i) All or part of the costs of implementing any community 370
control sanction, including a supervision fee under section 371
2951.021 of the Revised Code; 372

(ii) All or part of the costs of confinement under a 373
sanction imposed pursuant to section 2929.14, 2929.142, or 374
2929.16 of the Revised Code, provided that the amount of 375
reimbursement ordered under this division shall not exceed the 376
total amount of reimbursement the offender is able to pay as 377
determined at a hearing and shall not exceed the actual cost of 378
the confinement; 379

(iii) All or part of the cost of purchasing and using an 380
immobilizing or disabling device, including a certified ignition 381
interlock device, or a remote alcohol monitoring device that a 382
court orders an offender to use under section 4510.13 of the 383
Revised Code. 384

(b) If the offender is sentenced to a sanction of 385
confinement pursuant to section 2929.14 or 2929.16 of the 386
Revised Code that is to be served in a facility operated by a 387
board of county commissioners, a legislative authority of a 388
municipal corporation, or another local governmental entity, if, 389
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 390

753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 391
section 2929.37 of the Revised Code, the board, legislative 392
authority, or other local governmental entity requires prisoners 393
to reimburse the county, municipal corporation, or other entity 394
for its expenses incurred by reason of the prisoner's 395
confinement, and if the court does not impose a financial 396
sanction under division (A)(5)(a)(ii) of this section, 397
confinement costs may be assessed pursuant to section 2929.37 of 398
the Revised Code. In addition, the offender may be required to 399
pay the fees specified in section 2929.38 of the Revised Code in 400
accordance with that section. 401

(c) Reimbursement by the offender for costs pursuant to 402
section 2929.71 of the Revised Code; 403

(d) Reimbursement by the offender for costs pursuant to 404
section 2917.321 of the Revised Code. 405

(B)(1) For a first, second, or third degree felony 406
violation of any provision of Chapter 2925., 3719., or 4729. of 407
the Revised Code, the sentencing court shall impose upon the 408
offender a mandatory fine of at least one-half of, but not more 409
than, the maximum statutory fine amount authorized for the level 410
of the offense pursuant to division (A)(3) of this section. If 411
an offender alleges in an affidavit filed with the court prior 412
to sentencing that the offender is indigent and unable to pay 413
the mandatory fine and if the court determines the offender is 414
an indigent person and is unable to pay the mandatory fine 415
described in this division, the court shall not impose the 416
mandatory fine upon the offender. 417

(2) Any mandatory fine imposed upon an offender under 418
division (B)(1) of this section and any fine imposed upon an 419
offender under division (A)(2) or (3) of this section for any 420

fourth or fifth degree felony violation of any provision of 421
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 422
to law enforcement agencies pursuant to division (F) of section 423
2925.03 of the Revised Code. 424

(3) For a fourth degree felony OVI offense and for a third 425
degree felony OVI offense, the sentencing court shall impose 426
upon the offender a mandatory fine in the amount specified in 427
division (G)(1)(d) or (e) of section 4511.19 of the Revised 428
Code, whichever is applicable. The mandatory fine so imposed 429
shall be disbursed as provided in the division pursuant to which 430
it is imposed. 431

(4) Notwithstanding any fine otherwise authorized or 432
required to be imposed under division (A)(2) or (3) or (B)(1) of 433
this section or section 2929.31 of the Revised Code for a 434
violation of section 2925.03 of the Revised Code, in addition to 435
any penalty or sanction imposed for that offense under section 436
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 437
in addition to the forfeiture of property in connection with the 438
offense as prescribed in Chapter 2981. of the Revised Code, the 439
court that sentences an offender for a violation of section 440
2925.03 of the Revised Code may impose upon the offender a fine 441
in addition to any fine imposed under division (A)(2) or (3) of 442
this section and in addition to any mandatory fine imposed under 443
division (B)(1) of this section. The fine imposed under division 444
(B)(4) of this section shall be used as provided in division (H) 445
of section 2925.03 of the Revised Code. A fine imposed under 446
division (B)(4) of this section shall not exceed whichever of 447
the following is applicable: 448

(a) The total value of any personal or real property in 449
which the offender has an interest and that was used in the 450

course of, intended for use in the course of, derived from, or 451
realized through conduct in violation of section 2925.03 of the 452
Revised Code, including any property that constitutes proceeds 453
derived from that offense; 454

(b) If the offender has no interest in any property of the 455
type described in division (B) (4) (a) of this section or if it is 456
not possible to ascertain whether the offender has an interest 457
in any property of that type in which the offender may have an 458
interest, the amount of the mandatory fine for the offense 459
imposed under division (B) (1) of this section or, if no 460
mandatory fine is imposed under division (B) (1) of this section, 461
the amount of the fine authorized for the level of the offense 462
imposed under division (A) (3) of this section. 463

(5) Prior to imposing a fine under division (B) (4) of this 464
section, the court shall determine whether the offender has an 465
interest in any property of the type described in division (B) 466
(4) (a) of this section. Except as provided in division (B) (6) or 467
(7) of this section, a fine that is authorized and imposed under 468
division (B) (4) of this section does not limit or affect the 469
imposition of the penalties and sanctions for a violation of 470
section 2925.03 of the Revised Code prescribed under those 471
sections or sections 2929.11 to 2929.18 of the Revised Code and 472
does not limit or affect a forfeiture of property in connection 473
with the offense as prescribed in Chapter 2981. of the Revised 474
Code. 475

(6) If the sum total of a mandatory fine amount imposed 476
for a first, second, or third degree felony violation of section 477
2925.03 of the Revised Code under division (B) (1) of this 478
section plus the amount of any fine imposed under division (B) 479
(4) of this section does not exceed the maximum statutory fine 480

amount authorized for the level of the offense under division 481
(A) (3) of this section or section 2929.31 of the Revised Code, 482
the court may impose a fine for the offense in addition to the 483
mandatory fine and the fine imposed under division (B) (4) of 484
this section. The sum total of the amounts of the mandatory 485
fine, the fine imposed under division (B) (4) of this section, 486
and the additional fine imposed under division (B) (6) of this 487
section shall not exceed the maximum statutory fine amount 488
authorized for the level of the offense under division (A) (3) of 489
this section or section 2929.31 of the Revised Code. The clerk 490
of the court shall pay any fine that is imposed under division 491
(B) (6) of this section to the county, township, municipal 492
corporation, park district as created pursuant to section 511.18 493
or 1545.04 of the Revised Code, or state law enforcement 494
agencies in this state that primarily were responsible for or 495
involved in making the arrest of, and in prosecuting, the 496
offender pursuant to division (F) of section 2925.03 of the 497
Revised Code. 498

(7) If the sum total of the amount of a mandatory fine 499
imposed for a first, second, or third degree felony violation of 500
section 2925.03 of the Revised Code plus the amount of any fine 501
imposed under division (B) (4) of this section exceeds the 502
maximum statutory fine amount authorized for the level of the 503
offense under division (A) (3) of this section or section 2929.31 504
of the Revised Code, the court shall not impose a fine under 505
division (B) (6) of this section. 506

(8) (a) If an offender who is convicted of or pleads guilty 507
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 508
2923.32, division (A) (1) or (2) of section 2907.323 involving a 509
minor, or division (B) (1), (2), (3), (4), or (5) of section 510
2919.22 of the Revised Code also is convicted of or pleads 511

guilty to a specification of the type described in section 512
2941.1422 of the Revised Code that charges that the offender 513
knowingly committed the offense in furtherance of human 514
trafficking, the sentencing court shall sentence the offender to 515
a financial sanction of restitution by the offender to the 516
victim or any survivor of the victim, with the restitution 517
including the costs of housing, counseling, and medical and 518
legal assistance incurred by the victim as a direct result of 519
the offense and the greater of the following: 520

(i) The gross income or value to the offender of the 521
victim's labor or services; 522

(ii) The value of the victim's labor as guaranteed under 523
the minimum wage and overtime provisions of the "Federal Fair 524
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 525
state labor laws. 526

(b) If a court imposing sentence upon an offender for a 527
felony is required to impose upon the offender a financial 528
sanction of restitution under division (B) (8) (a) of this 529
section, in addition to that financial sanction of restitution, 530
the court may sentence the offender to any other financial 531
sanction or combination of financial sanctions authorized under 532
this section, including a restitution sanction under division 533
(A) (1) of this section. 534

(9) In addition to any other fine that is or may be 535
imposed under this section, the court imposing sentence upon an 536
offender for a felony that is a sexually oriented offense or a 537
child-victim oriented offense, as those terms are defined in 538
section 2950.01 of the Revised Code, may impose a fine of not 539
less than fifty nor more than five hundred dollars. 540

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

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

- (a) Domestic violence;
- (b) Menacing by stalking;
- (c) Rape;
- (d) Sexual battery;
- (e) Trafficking in persons;

(f) A violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 involving a minor, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender also is convicted of a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender

knowingly committed the offense in furtherance of human 570
trafficking. 571

(C) (1) Except as provided in section 2951.021 of the 572
Revised Code, the offender shall pay reimbursements imposed upon 573
the offender pursuant to division (A) (5) (a) of this section to 574
pay the costs incurred by a county pursuant to any sanction 575
imposed under this section or section 2929.16 or 2929.17 of the 576
Revised Code or in operating a facility used to confine 577
offenders pursuant to a sanction imposed under section 2929.16 578
of the Revised Code to the county treasurer. The county 579
treasurer shall deposit the reimbursements in the sanction cost 580
reimbursement fund that each board of county commissioners shall 581
create in its county treasury. The county shall use the amounts 582
deposited in the fund to pay the costs incurred by the county 583
pursuant to any sanction imposed under this section or section 584
2929.16 or 2929.17 of the Revised Code or in operating a 585
facility used to confine offenders pursuant to a sanction 586
imposed under section 2929.16 of the Revised Code. 587

(2) Except as provided in section 2951.021 of the Revised 588
Code, the offender shall pay reimbursements imposed upon the 589
offender pursuant to division (A) (5) (a) of this section to pay 590
the costs incurred by a municipal corporation pursuant to any 591
sanction imposed under this section or section 2929.16 or 592
2929.17 of the Revised Code or in operating a facility used to 593
confine offenders pursuant to a sanction imposed under section 594
2929.16 of the Revised Code to the treasurer of the municipal 595
corporation. The treasurer shall deposit the reimbursements in a 596
special fund that shall be established in the treasury of each 597
municipal corporation. The municipal corporation shall use the 598
amounts deposited in the fund to pay the costs incurred by the 599
municipal corporation pursuant to any sanction imposed under 600

this section or section 2929.16 or 2929.17 of the Revised Code 601
or in operating a facility used to confine offenders pursuant to 602
a sanction imposed under section 2929.16 of the Revised Code. 603

(3) Except as provided in section 2951.021 of the Revised 604
Code, the offender shall pay reimbursements imposed pursuant to 605
division (A) (5) (a) of this section for the costs incurred by a 606
private provider pursuant to a sanction imposed under this 607
section or section 2929.16 or 2929.17 of the Revised Code to the 608
provider. 609

(D) Except as otherwise provided in this division, a 610
financial sanction imposed pursuant to division (A) or (B) of 611
this section is a judgment in favor of the state or a political 612
subdivision in which the court that imposed the financial 613
sanction is located, and the offender subject to the financial 614
sanction is the judgment debtor. A financial sanction of 615
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 616
section upon an offender who is incarcerated in a state facility 617
or a municipal jail is a judgment in favor of the state or the 618
municipal corporation, and the offender subject to the financial 619
sanction is the judgment debtor. A financial sanction of 620
reimbursement imposed upon an offender pursuant to this section 621
for costs incurred by a private provider of sanctions is a 622
judgment in favor of the private provider, and the offender 623
subject to the financial sanction is the judgment debtor. A 624
financial sanction of a mandatory fine imposed under division 625
(B) (10) of this section that is required under that division to 626
be paid to a law enforcement agency is a judgment in favor of 627
the specified law enforcement agency, and the offender subject 628
to the financial sanction is the judgment debtor. A financial 629
sanction of restitution imposed pursuant to division (A) (1) or 630
(B) (8) of this section is an order in favor of the victim of the 631

offender's criminal act that can be collected through a 632
certificate of judgment as described in division (D) (1) of this 633
section, through execution as described in division (D) (2) of 634
this section, or through an order as described in division (D) 635
(3) of this section, and the offender shall be considered for 636
purposes of the collection as the judgment debtor. Imposition of 637
a financial sanction and execution on the judgment does not 638
preclude any other power of the court to impose or enforce 639
sanctions on the offender. Once the financial sanction is 640
imposed as a judgment or order under this division, the victim, 641
private provider, state, or political subdivision may do any of 642
the following: 643

(1) Obtain from the clerk of the court in which the 644
judgment was entered a certificate of judgment that shall be in 645
the same manner and form as a certificate of judgment issued in 646
a civil action; 647

(2) Obtain execution of the judgment or order through any 648
available procedure, including: 649

(a) An execution against the property of the judgment 650
debtor under Chapter 2329. of the Revised Code; 651

(b) An execution against the person of the judgment debtor 652
under Chapter 2331. of the Revised Code; 653

(c) A proceeding in aid of execution under Chapter 2333. 654
of the Revised Code, including: 655

(i) A proceeding for the examination of the judgment 656
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 657
2333.27 of the Revised Code; 658

(ii) A proceeding for attachment of the person of the 659
judgment debtor under section 2333.28 of the Revised Code; 660

(iii) A creditor's suit under section 2333.01 of the Revised Code. 661
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(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code; 663
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(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code. 665
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(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code. 667
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(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it. 669
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(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code. 673
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(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has 686
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been paid as ordered, the court may suspend any financial 690
sanctions imposed pursuant to this section or section 2929.32 of 691
the Revised Code that have not been paid. 692

(H) No financial sanction imposed under this section or 693
section 2929.32 of the Revised Code shall preclude a victim from 694
bringing a civil action against the offender. 695

Section 2. That existing sections 2901.01 and 2929.18 of 696
the Revised Code are hereby repealed. 697