

As Introduced

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H. B. No. 296

Representative Miller, M.

**Cosponsors: Representatives Click, Deeter, Fischer, Humphrey, Lear, White, E.,
Jarrells, Brewer, Williams, Rader, Synenberg**

To amend section 2929.18 of the Revised Code to 1
delay financial sanctions for one hundred eighty 2
days after an offender's release from prison or 3
completion of transitional control. 4

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

Section 1. That section 2929.18 of the Revised Code be 5
amended to read as follows: 6

Sec. 2929.18. (A) Except as otherwise provided in this 7
division and in addition to imposing court costs pursuant to 8
section 2947.23 of the Revised Code, the court imposing a 9
sentence upon an offender for a felony may sentence the offender 10
to any financial sanction or combination of financial sanctions 11
authorized under this section or, in the circumstances specified 12
in section 2929.32 of the Revised Code, may impose upon the 13
offender a fine in accordance with that section, and shall 14
sentence the offender to make restitution pursuant to this 15
section and section 2929.281 of the Revised Code. The victim has 16
a right not to seek restitution. Financial sanctions that either 17
are required to be or may be imposed pursuant to this section 18
include, but are not limited to, the following: 19

(1) Restitution by the offender to the victim of the
offender's criminal offense or the victim's estate, in an amount
based on the victim's economic loss. In open court, the court
shall order that full restitution be made to the victim, to the
adult probation department that serves the county on behalf of
the victim, to the clerk of courts, or to another agency
designated by the court. At sentencing, the court shall
determine the amount of restitution to be made by the offender.
The victim, victim's representative, victim's attorney, if
applicable, the prosecutor or the prosecutor's designee, and the
offender may provide information relevant to the determination
of the amount of restitution. The amount the court orders as
restitution shall not exceed the amount of the economic loss
suffered by the victim as a direct and proximate result of the
commission of the offense. If the court imposes restitution for
the cost of accounting or auditing done to determine the extent
of economic loss, the court may order restitution for any amount
of the victim's costs of accounting or auditing provided that
the amount of restitution is reasonable and does not exceed the
value of property or services stolen or damaged as a result of
the offense. The court shall hold a hearing on restitution if
the offender, victim, victim's representative, or victim's
estate disputes the amount. The court shall determine the amount
of full restitution by a preponderance of the evidence. All
restitution payments shall be credited against any recovery of
economic loss in a civil action brought by the victim or the
victim's estate against the offender.

The court may order that the offender pay a surcharge of
not more than five per cent of the amount of the restitution
otherwise ordered to the entity responsible for collecting and
processing restitution payments.

The victim, victim's estate, or victim's attorney, if 51
applicable, may file a motion or request that the prosecutor in 52
the case file a motion, or the offender may file a motion, for 53
modification of the payment terms of any restitution ordered. If 54
the court grants the motion, it may modify the payment terms as 55
it determines appropriate but shall not reduce the amount of 56
restitution ordered, except as provided in division (A) of 57
section 2929.281 of the Revised Code. The court shall not 58
discharge restitution until it is fully paid by the offender. 59

(2) Except as provided in division (B) (1), (3), or (4) of 60
this section, a fine payable by the offender to the state, to a 61
political subdivision, or as described in division (B) (2) of 62
this section to one or more law enforcement agencies, with the 63
amount of the fine based on a standard percentage of the 64
offender's daily income over a period of time determined by the 65
court and based upon the seriousness of the offense. A fine 66
ordered under this division shall not exceed the maximum 67
conventional fine amount authorized for the level of the offense 68
under division (A) (3) of this section. 69

(3) Except as provided in division (B) (1), (3), or (4) of 70
this section, a fine payable by the offender to the state, to a 71
political subdivision when appropriate for a felony, or as 72
described in division (B) (2) of this section to one or more law 73
enforcement agencies, in the following amount: 74

(a) For a felony of the first degree, not more than twenty 75
thousand dollars; 76

(b) For a felony of the second degree, not more than 77
fifteen thousand dollars; 78

(c) For a felony of the third degree, not more than ten 79

thousand dollars; 80

(d) For a felony of the fourth degree, not more than five 81
thousand dollars; 82

(e) For a felony of the fifth degree, not more than two 83
thousand five hundred dollars. 84

(4) A state fine or costs as defined in section 2949.111 85
of the Revised Code. 86

(5) (a) Reimbursement by the offender of any or all of the 87
costs of sanctions incurred by the government, including the 88
following: 89

(i) All or part of the costs of implementing any community 90
control sanction, including a supervision fee under section 91
2951.021 of the Revised Code; 92

(ii) All or part of the costs of confinement under a 93
sanction imposed pursuant to section 2929.14, 2929.142, or 94
2929.16 of the Revised Code, provided that the amount of 95
reimbursement ordered under this division shall not exceed the 96
total amount of reimbursement the offender is able to pay as 97
determined at a hearing and shall not exceed the actual cost of 98
the confinement; 99

(iii) All or part of the cost of purchasing and using an 100
immobilizing or disabling device, including a certified ignition 101
interlock device, or a remote alcohol monitoring device that a 102
court orders an offender to use under section 4510.13 of the 103
Revised Code. 104

(b) If the offender is sentenced to a sanction of 105
confinement pursuant to section 2929.14 or 2929.16 of the 106
Revised Code that is to be served in a facility operated by a 107

board of county commissioners, a legislative authority of a 108
municipal corporation, or another local governmental entity, if, 109
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 110
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 111
section 2929.37 of the Revised Code, the board, legislative 112
authority, or other local governmental entity requires prisoners 113
to reimburse the county, municipal corporation, or other entity 114
for its expenses incurred by reason of the prisoner's 115
confinement, and if the court does not impose a financial 116
sanction under division (A) (5) (a) (ii) of this section, 117
confinement costs may be assessed pursuant to section 2929.37 of 118
the Revised Code. In addition, the offender may be required to 119
pay the fees specified in section 2929.38 of the Revised Code in 120
accordance with that section. 121

(c) Reimbursement by the offender for costs pursuant to 122
section 2929.71 of the Revised Code; 123

(d) Reimbursement by the offender for costs pursuant to 124
section 2917.321 of the Revised Code. 125

(B) (1) For a first, second, or third degree felony 126
violation of any provision of Chapter 2925., 3719., or 4729. of 127
the Revised Code, the sentencing court shall impose upon the 128
offender a mandatory fine of at least one-half of, but not more 129
than, the maximum statutory fine amount authorized for the level 130
of the offense pursuant to division (A) (3) of this section. If 131
an offender alleges in an affidavit filed with the court prior 132
to sentencing that the offender is indigent and unable to pay 133
the mandatory fine and if the court determines the offender is 134
an indigent person and is unable to pay the mandatory fine 135
described in this division, the court shall not impose the 136
mandatory fine upon the offender. 137

(2) Any mandatory fine imposed upon an offender under 138
division (B)(1) of this section and any fine imposed upon an 139
offender under division (A)(2) or (3) of this section for any 140
fourth or fifth degree felony violation of any provision of 141
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 142
to law enforcement agencies pursuant to division (F) of section 143
2925.03 of the Revised Code. 144

(3) For a fourth degree felony OVI offense and for a third 145
degree felony OVI offense, the sentencing court shall impose 146
upon the offender a mandatory fine in the amount specified in 147
division (G)(1)(d) or (e) of section 4511.19 of the Revised 148
Code, whichever is applicable. The mandatory fine so imposed 149
shall be disbursed as provided in the division pursuant to which 150
it is imposed. 151

(4) Notwithstanding any fine otherwise authorized or 152
required to be imposed under division (A)(2) or (3) or (B)(1) of 153
this section or section 2929.31 of the Revised Code for a 154
violation of section 2925.03 of the Revised Code, in addition to 155
any penalty or sanction imposed for that offense under section 156
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 157
in addition to the forfeiture of property in connection with the 158
offense as prescribed in Chapter 2981. of the Revised Code, the 159
court that sentences an offender for a violation of section 160
2925.03 of the Revised Code may impose upon the offender a fine 161
in addition to any fine imposed under division (A)(2) or (3) of 162
this section and in addition to any mandatory fine imposed under 163
division (B)(1) of this section. The fine imposed under division 164
(B)(4) of this section shall be used as provided in division (H) 165
of section 2925.03 of the Revised Code. A fine imposed under 166
division (B)(4) of this section shall not exceed whichever of 167
the following is applicable: 168

(a) The total value of any personal or real property in 169
which the offender has an interest and that was used in the 170
course of, intended for use in the course of, derived from, or 171
realized through conduct in violation of section 2925.03 of the 172
Revised Code, including any property that constitutes proceeds 173
derived from that offense; 174

(b) If the offender has no interest in any property of the 175
type described in division (B) (4) (a) of this section or if it is 176
not possible to ascertain whether the offender has an interest 177
in any property of that type in which the offender may have an 178
interest, the amount of the mandatory fine for the offense 179
imposed under division (B) (1) of this section or, if no 180
mandatory fine is imposed under division (B) (1) of this section, 181
the amount of the fine authorized for the level of the offense 182
imposed under division (A) (3) of this section. 183

(5) Prior to imposing a fine under division (B) (4) of this 184
section, the court shall determine whether the offender has an 185
interest in any property of the type described in division (B) 186
(4) (a) of this section. Except as provided in division (B) (6) or 187
(7) of this section, a fine that is authorized and imposed under 188
division (B) (4) of this section does not limit or affect the 189
imposition of the penalties and sanctions for a violation of 190
section 2925.03 of the Revised Code prescribed under those 191
sections or sections 2929.11 to 2929.18 of the Revised Code and 192
does not limit or affect a forfeiture of property in connection 193
with the offense as prescribed in Chapter 2981. of the Revised 194
Code. 195

(6) If the sum total of a mandatory fine amount imposed 196
for a first, second, or third degree felony violation of section 197
2925.03 of the Revised Code under division (B) (1) of this 198

section plus the amount of any fine imposed under division (B) 199
(4) of this section does not exceed the maximum statutory fine 200
amount authorized for the level of the offense under division 201
(A) (3) of this section or section 2929.31 of the Revised Code, 202
the court may impose a fine for the offense in addition to the 203
mandatory fine and the fine imposed under division (B) (4) of 204
this section. The sum total of the amounts of the mandatory 205
fine, the fine imposed under division (B) (4) of this section, 206
and the additional fine imposed under division (B) (6) of this 207
section shall not exceed the maximum statutory fine amount 208
authorized for the level of the offense under division (A) (3) of 209
this section or section 2929.31 of the Revised Code. The clerk 210
of the court shall pay any fine that is imposed under division 211
(B) (6) of this section to the county, township, municipal 212
corporation, park district as created pursuant to section 511.18 213
or 1545.04 of the Revised Code, or state law enforcement 214
agencies in this state that primarily were responsible for or 215
involved in making the arrest of, and in prosecuting, the 216
offender pursuant to division (F) of section 2925.03 of the 217
Revised Code. 218

(7) If the sum total of the amount of a mandatory fine 219
imposed for a first, second, or third degree felony violation of 220
section 2925.03 of the Revised Code plus the amount of any fine 221
imposed under division (B) (4) of this section exceeds the 222
maximum statutory fine amount authorized for the level of the 223
offense under division (A) (3) of this section or section 2929.31 224
of the Revised Code, the court shall not impose a fine under 225
division (B) (6) of this section. 226

(8) (a) If an offender who is convicted of or pleads guilty 227
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 228
2923.32, division (A) (1) or (2) of section 2907.323 involving a 229

minor, or division (B) (1), (2), (3), (4), or (5) of section 230
2919.22 of the Revised Code also is convicted of or pleads 231
guilty to a specification of the type described in section 232
2941.1422 of the Revised Code that charges that the offender 233
knowingly committed the offense in furtherance of human 234
trafficking, the sentencing court shall sentence the offender to 235
a financial sanction of restitution by the offender to the 236
victim or the victim's estate, with the restitution including 237
the costs of housing, counseling, and medical and legal 238
assistance incurred by the victim as a direct result of the 239
offense and the greater of the following: 240

(i) The gross income or value to the offender of the 241
victim's labor or services; 242

(ii) The value of the victim's labor as guaranteed under 243
the minimum wage and overtime provisions of the "Federal Fair 244
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 245
state labor laws. 246

(b) If a court imposing sentence upon an offender for a 247
felony is required to impose upon the offender a financial 248
sanction of restitution under division (B) (8) (a) of this 249
section, in addition to that financial sanction of restitution, 250
the court may sentence the offender to any other financial 251
sanction or combination of financial sanctions authorized under 252
this section, including a restitution sanction under division 253
(A) (1) of this section. 254

(9) In addition to any other fine that is or may be 255
imposed under this section, the court imposing sentence upon an 256
offender for a felony that is a sexually oriented offense or a 257
child-victim oriented offense, as those terms are defined in 258
section 2950.01 of the Revised Code, may impose a fine of not 259

less than fifty nor more than five hundred dollars. 260

(10) For a felony violation of division (A) of section 261
2921.321 of the Revised Code that results in the death of the 262
police dog or horse that is the subject of the violation, the 263
sentencing court shall impose upon the offender a mandatory fine 264
from the range of fines provided under division (A) (3) of this 265
section for a felony of the third degree. A mandatory fine 266
imposed upon an offender under division (B) (10) of this section 267
shall be paid to the law enforcement agency that was served by 268
the police dog or horse that was killed in the felony violation 269
of division (A) of section 2921.321 of the Revised Code to be 270
used as provided in division (E) (1) (b) of that section. 271

(11) In addition to any other fine that is or may be 272
imposed under this section, the court imposing sentence upon an 273
offender for any of the following offenses that is a felony may 274
impose a fine of not less than seventy nor more than five 275
hundred dollars, which, except as provided in division (B) (12) 276
of this section, shall be transmitted to the treasurer of state 277
to be credited to the address confidentiality program fund 278
created by section 111.48 of the Revised Code: 279

(a) Domestic violence; 280

(b) Menacing by stalking; 281

(c) Rape; 282

(d) Sexual battery; 283

(e) Trafficking in persons; 284

(f) A violation of section 2905.01, 2905.02, 2907.21, 285
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 286
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 287

section 2919.22 of the Revised Code, if the offender also is 288
convicted of a specification of the type described in section 289
2941.1422 of the Revised Code that charges that the offender 290
knowingly committed the offense in furtherance of human 291
trafficking. 292

(12) (a) A court that imposes a fine under division (B) (11) 293
of this section may retain up to twenty-five per cent of amounts 294
collected in satisfaction of the fine to cover administrative 295
costs. 296

(b) A court that imposes a fine under division (B) (11) of 297
this section may assign up to twenty-five per cent of amounts 298
collected in satisfaction of the fine to reimburse the 299
prosecuting attorney for costs associated with prosecution of 300
the offense. 301

(C) (1) Except as provided in section 2951.021 of the 302
Revised Code, the offender shall pay reimbursements imposed upon 303
the offender pursuant to division (A) (5) (a) of this section to 304
pay the costs incurred by a county pursuant to any sanction 305
imposed under this section or section 2929.16 or 2929.17 of the 306
Revised Code or in operating a facility used to confine 307
offenders pursuant to a sanction imposed under section 2929.16 308
of the Revised Code to the county treasurer. The county 309
treasurer shall deposit the reimbursements in the sanction cost 310
reimbursement fund that each board of county commissioners shall 311
create in its county treasury. The county shall use the amounts 312
deposited in the fund to pay the costs incurred by the county 313
pursuant to any sanction imposed under this section or section 314
2929.16 or 2929.17 of the Revised Code or in operating a 315
facility used to confine offenders pursuant to a sanction 316
imposed under section 2929.16 of the Revised Code. 317

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

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

(D) Except as otherwise provided in this division, a financial sanction imposed pursuant to division (A) or (B) of this section is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A) (5) (a) (ii) of this section upon an offender who is incarcerated in a state facility or a municipal jail is a judgment in favor of the state or the

municipal corporation, and the offender subject to the financial 349
sanction is the judgment debtor. A financial sanction of 350
reimbursement imposed upon an offender pursuant to this section 351
for costs incurred by a private provider of sanctions is a 352
judgment in favor of the private provider, and the offender 353
subject to the financial sanction is the judgment debtor. A 354
financial sanction of a mandatory fine imposed under division 355
(B) (10) of this section that is required under that division to 356
be paid to a law enforcement agency is a judgment in favor of 357
the specified law enforcement agency, and the offender subject 358
to the financial sanction is the judgment debtor. A financial 359
sanction of restitution imposed pursuant to division (A) (1) or 360
(B) (8) of this section is an order in favor of the victim of the 361
offender's criminal act that can be collected through a 362
certificate of judgment as described in division (D) (1) of this 363
section, through execution as described in division (D) (2) of 364
this section, or through an order as described in division (D) 365
(3) of this section, and the offender shall be considered for 366
purposes of the collection as the judgment debtor. Imposition of 367
a financial sanction and execution on the judgment does not 368
preclude any other power of the court to impose or enforce 369
sanctions on the offender. ~~Once~~ Subject to division (K) of this 370
section, once the financial sanction is imposed as a judgment or 371
order under this division, the victim, private provider, state, 372
or political subdivision may do any of the following: 373

(1) Obtain from the clerk of the court in which the 374
judgment was entered, at no cost, a certificate of judgment that 375
shall be in the same manner and form as a certificate of 376
judgment issued in a civil action; 377

(2) Obtain execution of the judgment or order through any 378
available procedure, including: 379

(a) An execution against the property of the judgment debtor under Chapter 2329. of the Revised Code;	380 381
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	382 383
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	384 385
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	386 387 388
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	389 390
(iii) A creditor's suit under section 2333.01 of the Revised Code.	391 392
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	393 394
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	395 396
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	397 398
(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.	399 400 401 402
(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	403 404 405 406

person authorized by law or the court to collect the financial 407
sanction may enter into contracts with one or more public 408
agencies or private vendors for the collection of, amounts due 409
under the financial sanction imposed pursuant to this section or 410
section 2929.32 of the Revised Code. Before entering into a 411
contract for the collection of amounts due from an offender 412
pursuant to any financial sanction imposed pursuant to this 413
section or section 2929.32 of the Revised Code, a court shall 414
comply with sections 307.86 to 307.92 of the Revised Code. 415

(G) If a court that imposes a financial sanction under 416
division (A) or (B) of this section finds that an offender 417
satisfactorily has completed all other sanctions imposed upon 418
the offender and that all restitution that has been ordered has 419
been paid as ordered, the court may suspend any financial 420
sanctions imposed pursuant to this section or section 2929.32 of 421
the Revised Code that have not been paid. 422

(H) No financial sanction imposed under this section or 423
section 2929.32 of the Revised Code shall preclude a victim from 424
bringing a civil action against the offender. 425

(I) If the court imposes restitution, fines, fees, or 426
incarceration costs on a business or corporation, it is the duty 427
of the person authorized to make disbursements from the assets 428
of the business or corporation to pay the restitution, fines, 429
fees, or incarceration costs from those assets. 430

(J) If an offender is sentenced to pay restitution, a 431
fine, fee, or incarceration costs, the clerk of the sentencing 432
court, on request, shall make the offender's payment history 433
available to the prosecutor, victim, victim's representative, 434
victim's attorney, if applicable, the probation department, and 435
the court without cost. 436

(K) The court shall not require an offender to pay any 437
outstanding court-assessed fines, fees, financial sanctions, or 438
costs arising from a criminal proceeding during either of the 439
following periods, whichever is later: 440

(1) The one hundred eighty days following the offender's 441
release from a sentence of imprisonment of one year or more; 442

(2) The one hundred eighty days following the offender's 443
completion of a period of transitional control, as defined in 444
section 2967.01 of the Revised Code. 445

This division does not apply to restitution owed to a 446
victim. 447

Section 2. That existing section 2929.18 of the Revised 448
Code is hereby repealed. 449