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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, Abdullahi, Brennan, Brent, Brownlee, Bryant Bailey, Callender, Cockley, Daniels, Fowler Arthur, Grim, Lawson-Rowe, Lett, Miller, J., Mohamed, Odioso, Oelslager, Piccolantonio, Richardson, Rogers, Russo, Salvo, Sims, Somani, Tims, Upchurch, White, A., Willis**

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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 20  
offender's criminal offense or the victim's estate, in an amount 21  
based on the victim's economic loss. In open court, the court 22  
shall order that full restitution be made to the victim, to the 23  
adult probation department that serves the county on behalf of 24  
the victim, to the clerk of courts, or to another agency 25  
designated by the court. At sentencing, the court shall 26  
determine the amount of restitution to be made by the offender. 27  
The victim, victim's representative, victim's attorney, if 28  
applicable, the prosecutor or the prosecutor's designee, and the 29  
offender may provide information relevant to the determination 30  
of the amount of restitution. The amount the court orders as 31  
restitution shall not exceed the amount of the economic loss 32  
suffered by the victim as a direct and proximate result of the 33  
commission of the offense. If the court imposes restitution for 34  
the cost of accounting or auditing done to determine the extent 35  
of economic loss, the court may order restitution for any amount 36  
of the victim's costs of accounting or auditing provided that 37  
the amount of restitution is reasonable and does not exceed the 38  
value of property or services stolen or damaged as a result of 39  
the offense. The court shall hold a hearing on restitution if 40  
the offender, victim, victim's representative, or victim's 41  
estate disputes the amount. The court shall determine the amount 42  
of full restitution by a preponderance of the evidence. All 43  
restitution payments shall be credited against any recovery of 44  
economic loss in a civil action brought by the victim or the 45  
victim's estate against the offender. 46

The court may order that the offender pay a surcharge of 47

not more than five per cent of the amount of the restitution 48  
otherwise ordered to the entity responsible for collecting and 49  
processing restitution payments. 50

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 318  
Code, the offender shall pay reimbursements imposed upon the 319  
offender pursuant to division (A) (5) (a) of this section to pay 320  
the costs incurred by a municipal corporation pursuant to any 321  
sanction imposed under this section or section 2929.16 or 322  
2929.17 of the Revised Code or in operating a facility used to 323  
confine offenders pursuant to a sanction imposed under section 324  
2929.16 of the Revised Code to the treasurer of the municipal 325  
corporation. The treasurer shall deposit the reimbursements in a 326  
special fund that shall be established in the treasury of each 327  
municipal corporation. The municipal corporation shall use the 328  
amounts deposited in the fund to pay the costs incurred by the 329  
municipal corporation pursuant to any sanction imposed under 330  
this section or section 2929.16 or 2929.17 of the Revised Code 331  
or in operating a facility used to confine offenders pursuant to 332  
a sanction imposed under section 2929.16 of the Revised Code. 333

(3) Except as provided in section 2951.021 of the Revised 334  
Code, the offender shall pay reimbursements imposed pursuant to 335  
division (A) (5) (a) of this section for the costs incurred by a 336  
private provider pursuant to a sanction imposed under this 337  
section or section 2929.16 or 2929.17 of the Revised Code to the 338  
provider. 339

(D) Except as otherwise provided in this division, a 340  
financial sanction imposed pursuant to division (A) or (B) of 341  
this section is a judgment in favor of the state or a political 342  
subdivision in which the court that imposed the financial 343

sanction is located, and the offender subject to the financial 344  
sanction is the judgment debtor. A financial sanction of 345  
reimbursement imposed pursuant to division (A)(5)(a)(ii) of this 346  
section upon an offender who is incarcerated in a state facility 347  
or a municipal jail is a judgment in favor of the state or the 348  
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	380
debtor under Chapter 2329. of the Revised Code;	381
(b) An execution against the person of the judgment debtor	382
under Chapter 2331. of the Revised Code;	383
(c) A proceeding in aid of execution under Chapter 2333.	384
of the Revised Code, including:	385
(i) A proceeding for the examination of the judgment	386
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to	387
2333.27 of the Revised Code;	388
(ii) A proceeding for attachment of the person of the	389
judgment debtor under section 2333.28 of the Revised Code;	390
(iii) A creditor's suit under section 2333.01 of the	391
Revised Code.	392
(d) The attachment of the property of the judgment debtor	393
under Chapter 2715. of the Revised Code;	394
(e) The garnishment of the property of the judgment debtor	395
under Chapter 2716. of the Revised Code.	396
(3) Obtain an order for the assignment of wages of the	397
judgment debtor under section 1321.33 of the Revised Code.	398
(E) A court that imposes a financial sanction upon an	399
offender may hold a hearing if necessary to determine whether	400
the offender is able to pay the sanction or is likely in the	401

future to be able to pay it. 402

(F) Each court imposing a financial sanction upon an 403  
offender under this section or under section 2929.32 of the 404  
Revised Code may designate the clerk of the court or another 405  
person to collect the financial sanction. The clerk or other 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