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Representative Merrin

Cosponsors: Representatives Manning, Anielski, Antonio, Duffey, Green, Hambley, Holmes, Koehler, Landis, Lang, Leland, Miller, Patton, Pelanda, Perales, Reineke, Rezabek, Riedel, Roegner, Rogers, Romanchuk, Scherer, Schuring, Seitz, Stein, Thompson, Wiggam, Young

A BILL

To amend sections 2929.01, 2929.18, and 2929.28 of
the Revised Code to include the cost of
accounting or auditing done to determine the
extent of economic loss as a type of economic
loss for which restitution may be granted.

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

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

Sec. 2929.01. As used in this chapter:

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

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

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

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

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

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

(D) "Community-based correctional facility" means a 34
community-based correctional facility and program or district 35
community-based correctional facility and program developed 36
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 37

(E) "Community control sanction" means a sanction that is 38
not a prison term and that is described in section 2929.15, 39
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 40
that is not a jail term and that is described in section 41
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 42
control sanction" includes probation if the sentence involved 43
was imposed for a felony that was committed prior to July 1, 44

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

(F) "Controlled substance," "marihuana," "schedule I," and 47
"schedule II" have the same meanings as in section 3719.01 of 48
the Revised Code. 49

(G) "Curfew" means a requirement that an offender during a 50
specified period of time be at a designated place. 51

(H) "Day reporting" means a sanction pursuant to which an 52
offender is required each day to report to and leave a center or 53
other approved reporting location at specified times in order to 54
participate in work, education or training, treatment, and other 55
approved programs at the center or outside the center. 56

(I) "Deadly weapon" has the same meaning as in section 57
2923.11 of the Revised Code. 58

(J) "Drug and alcohol use monitoring" means a program 59
under which an offender agrees to submit to random chemical 60
analysis of the offender's blood, breath, or urine to determine 61
whether the offender has ingested any alcohol or other drugs. 62

(K) "Drug treatment program" means any program under which 63
a person undergoes assessment and treatment designed to reduce 64
or completely eliminate the person's physical or emotional 65
reliance upon alcohol, another drug, or alcohol and another drug 66
and under which the person may be required to receive assessment 67
and treatment on an outpatient basis or may be required to 68
reside at a facility other than the person's home or residence 69
while undergoing assessment and treatment. 70

(L) "Economic loss" means any economic detriment suffered 71
by a victim as a direct and proximate result of the commission 72
of an offense and includes any loss of income due to lost time 73

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

(M) "Education or training" includes study at, or in 81
conjunction with a program offered by, a university, college, or 82
technical college or vocational study and also includes the 83
completion of primary school, secondary school, and literacy 84
curricula or their equivalent. 85

(N) "Firearm" has the same meaning as in section 2923.11 86
of the Revised Code. 87

(O) "Halfway house" means a facility licensed by the 88
division of parole and community services of the department of 89
rehabilitation and correction pursuant to section 2967.14 of the 90
Revised Code as a suitable facility for the care and treatment 91
of adult offenders. 92

(P) "House arrest" means a period of confinement of an 93
offender that is in the offender's home or in other premises 94
specified by the sentencing court or by the parole board 95
pursuant to section 2967.28 of the Revised Code and during which 96
all of the following apply: 97

(1) The offender is required to remain in the offender's 98
home or other specified premises for the specified period of 99
confinement, except for periods of time during which the 100
offender is at the offender's place of employment or at other 101
premises as authorized by the sentencing court or by the parole 102

board.	103
(2) The offender is required to report periodically to a person designated by the court or parole board.	104 105
(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.	106 107 108
(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.	109 110 111 112 113 114 115 116 117 118
(R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state.	119 120 121 122 123
(S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction.	124 125 126 127 128
(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section	129 130 131

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

(U) "Delinquent child" has the same meaning as in section 138
2152.02 of the Revised Code. 139

(V) "License violation report" means a report that is made 140
by a sentencing court, or by the parole board pursuant to 141
section 2967.28 of the Revised Code, to the regulatory or 142
licensing board or agency that issued an offender a professional 143
license or a license or permit to do business in this state and 144
that specifies that the offender has been convicted of or 145
pleaded guilty to an offense that may violate the conditions 146
under which the offender's professional license or license or 147
permit to do business in this state was granted or an offense 148
for which the offender's professional license or license or 149
permit to do business in this state may be revoked or suspended. 150

(W) "Major drug offender" means an offender who is 151
convicted of or pleads guilty to the possession of, sale of, or 152
offer to sell any drug, compound, mixture, preparation, or 153
substance that consists of or contains at least one thousand 154
grams of hashish; at least one hundred grams of cocaine; at 155
least one thousand unit doses or one hundred grams of heroin; at 156
least five thousand unit doses of L.S.D. or five hundred grams 157
of L.S.D. in a liquid concentrate, liquid extract, or liquid 158
distillate form; at least fifty grams of a controlled substance 159
analog; or at least one hundred times the amount of any other 160
schedule I or II controlled substance other than marihuana that 161

is necessary to commit a felony of the third degree pursuant to 162
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 163
Code that is based on the possession of, sale of, or offer to 164
sell the controlled substance. 165

(X) "Mandatory prison term" means any of the following: 166

(1) Subject to division (X) (2) of this section, the term 167
in prison that must be imposed for the offenses or circumstances 168
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 169
section 2929.13 and division (B) of section 2929.14 of the 170
Revised Code. Except as provided in sections 2925.02, 2925.03, 171
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 172
maximum or another specific term is required under section 173
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 174
described in this division may be any prison term authorized for 175
the level of offense. 176

(2) The term of sixty or one hundred twenty days in prison 177
that a sentencing court is required to impose for a third or 178
fourth degree felony OVI offense pursuant to division (G) (2) of 179
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 180
of the Revised Code or the term of one, two, three, four, or 181
five years in prison that a sentencing court is required to 182
impose pursuant to division (G) (2) of section 2929.13 of the 183
Revised Code. 184

(3) The term in prison imposed pursuant to division (A) of 185
section 2971.03 of the Revised Code for the offenses and in the 186
circumstances described in division (F) (11) of section 2929.13 187
of the Revised Code or pursuant to division (B) (1) (a), (b), or 188
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 189
section 2971.03 of the Revised Code and that term as modified or 190
terminated pursuant to section 2971.05 of the Revised Code. 191

(Y) "Monitored time" means a period of time during which 192
an offender continues to be under the control of the sentencing 193
court or parole board, subject to no conditions other than 194
leading a law-abiding life. 195

(Z) "Offender" means a person who, in this state, is 196
convicted of or pleads guilty to a felony or a misdemeanor. 197

(AA) "Prison" means a residential facility used for the 198
confinement of convicted felony offenders that is under the 199
control of the department of rehabilitation and correction but 200
does not include a violation sanction center operated under 201
authority of section 2967.141 of the Revised Code. 202

(BB) "Prison term" includes either of the following 203
sanctions for an offender: 204

(1) A stated prison term; 205

(2) A term in a prison shortened by, or with the approval 206
of, the sentencing court pursuant to section 2929.143, 2929.20, 207
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 208

(CC) "Repeat violent offender" means a person about whom 209
both of the following apply: 210

(1) The person is being sentenced for committing or for 211
complicity in committing any of the following: 212

(a) Aggravated murder, murder, any felony of the first or 213
second degree that is an offense of violence, or an attempt to 214
commit any of these offenses if the attempt is a felony of the 215
first or second degree; 216

(b) An offense under an existing or former law of this 217
state, another state, or the United States that is or was 218
substantially equivalent to an offense described in division 219

(CC) (1) (a) of this section.	220
(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.	221 222 223
(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.	224 225 226 227 228
(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.	229 230 231
(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender is serving a prison term as a risk reduction sentence under sections 2929.143 and 5120.036 of the Revised Code, "stated prison term" includes any period of time by which the prison term imposed upon the offender is shortened by the offender's successful completion of all assessment and treatment or programming pursuant to those sections.	232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247
(GG) "Victim-offender mediation" means a reconciliation or	248

mediation program that involves an offender and the victim of 249
the offense committed by the offender and that includes a 250
meeting in which the offender and the victim may discuss the 251
offense, discuss restitution, and consider other sanctions for 252
the offense. 253

(HH) "Fourth degree felony OVI offense" means a violation 254
of division (A) of section 4511.19 of the Revised Code that, 255
under division (G) of that section, is a felony of the fourth 256
degree. 257

(II) "Mandatory term of local incarceration" means the 258
term of sixty or one hundred twenty days in a jail, a community- 259
based correctional facility, a halfway house, or an alternative 260
residential facility that a sentencing court may impose upon a 261
person who is convicted of or pleads guilty to a fourth degree 262
felony OVI offense pursuant to division (G) (1) of section 263
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 264
section 4511.19 of the Revised Code. 265

(JJ) "Designated homicide, assault, or kidnapping 266
offense," "violent sex offense," "sexual motivation 267
specification," "sexually violent offense," "sexually violent 268
predator," and "sexually violent predator specification" have 269
the same meanings as in section 2971.01 of the Revised Code. 270

(KK) "Sexually oriented offense," "child-victim oriented 271
offense," and "tier III sex offender/child-victim offender" have 272
the same meanings as in section 2950.01 of the Revised Code. 273

(LL) An offense is "committed in the vicinity of a child" 274
if the offender commits the offense within thirty feet of or 275
within the same residential unit as a child who is under 276
eighteen years of age, regardless of whether the offender knows 277

the age of the child or whether the offender knows the offense	278
is being committed within thirty feet of or within the same	279
residential unit as the child and regardless of whether the	280
child actually views the commission of the offense.	281
(MM) "Family or household member" has the same meaning as	282
in section 2919.25 of the Revised Code.	283
(NN) "Motor vehicle" and "manufactured home" have the same	284
meanings as in section 4501.01 of the Revised Code.	285
(OO) "Detention" and "detention facility" have the same	286
meanings as in section 2921.01 of the Revised Code.	287
(PP) "Third degree felony OVI offense" means a violation	288
of division (A) of section 4511.19 of the Revised Code that,	289
under division (G) of that section, is a felony of the third	290
degree.	291
(QQ) "Random drug testing" has the same meaning as in	292
section 5120.63 of the Revised Code.	293
(RR) "Felony sex offense" has the same meaning as in	294
section 2967.28 of the Revised Code.	295
(SS) "Body armor" has the same meaning as in section	296
2941.1411 of the Revised Code.	297
(TT) "Electronic monitoring" means monitoring through the	298
use of an electronic monitoring device.	299
(UU) "Electronic monitoring device" means any of the	300
following:	301
(1) Any device that can be operated by electrical or	302
battery power and that conforms with all of the following:	303
(a) The device has a transmitter that can be attached to a	304

person, that will transmit a specified signal to a receiver of 305
the type described in division (UU) (1) (b) of this section if the 306
transmitter is removed from the person, turned off, or altered 307
in any manner without prior court approval in relation to 308
electronic monitoring or without prior approval of the 309
department of rehabilitation and correction in relation to the 310
use of an electronic monitoring device for an inmate on 311
transitional control or otherwise is tampered with, that can 312
transmit continuously and periodically a signal to that receiver 313
when the person is within a specified distance from the 314
receiver, and that can transmit an appropriate signal to that 315
receiver if the person to whom it is attached travels a 316
specified distance from that receiver. 317

(b) The device has a receiver that can receive 318
continuously the signals transmitted by a transmitter of the 319
type described in division (UU) (1) (a) of this section, can 320
transmit continuously those signals by a wireless or landline 321
telephone connection to a central monitoring computer of the 322
type described in division (UU) (1) (c) of this section, and can 323
transmit continuously an appropriate signal to that central 324
monitoring computer if the device has been turned off or altered 325
without prior court approval or otherwise tampered with. The 326
device is designed specifically for use in electronic 327
monitoring, is not a converted wireless phone or another 328
tracking device that is clearly not designed for electronic 329
monitoring, and provides a means of text-based or voice 330
communication with the person. 331

(c) The device has a central monitoring computer that can 332
receive continuously the signals transmitted by a wireless or 333
landline telephone connection by a receiver of the type 334
described in division (UU) (1) (b) of this section and can monitor 335

continuously the person to whom an electronic monitoring device 336
of the type described in division (UU) (1) (a) of this section is 337
attached. 338

(2) Any device that is not a device of the type described 339
in division (UU) (1) of this section and that conforms with all 340
of the following: 341

(a) The device includes a transmitter and receiver that 342
can monitor and determine the location of a subject person at 343
any time, or at a designated point in time, through the use of a 344
central monitoring computer or through other electronic means. 345

(b) The device includes a transmitter and receiver that 346
can determine at any time, or at a designated point in time, 347
through the use of a central monitoring computer or other 348
electronic means the fact that the transmitter is turned off or 349
altered in any manner without prior approval of the court in 350
relation to the electronic monitoring or without prior approval 351
of the department of rehabilitation and correction in relation 352
to the use of an electronic monitoring device for an inmate on 353
transitional control or otherwise is tampered with. 354

(3) Any type of technology that can adequately track or 355
determine the location of a subject person at any time and that 356
is approved by the director of rehabilitation and correction, 357
including, but not limited to, any satellite technology, voice 358
tracking system, or retinal scanning system that is so approved. 359

(VV) "Non-economic loss" means nonpecuniary harm suffered 360
by a victim of an offense as a result of or related to the 361
commission of the offense, including, but not limited to, pain 362
and suffering; loss of society, consortium, companionship, care, 363
assistance, attention, protection, advice, guidance, counsel, 364

instruction, training, or education; mental anguish; and any 365
other intangible loss. 366

(WW) "Prosecutor" has the same meaning as in section 367
2935.01 of the Revised Code. 368

(XX) "Continuous alcohol monitoring" means the ability to 369
automatically test and periodically transmit alcohol consumption 370
levels and tamper attempts at least every hour, regardless of 371
the location of the person who is being monitored. 372

(YY) A person is "adjudicated a sexually violent predator" 373
if the person is convicted of or pleads guilty to a violent sex 374
offense and also is convicted of or pleads guilty to a sexually 375
violent predator specification that was included in the 376
indictment, count in the indictment, or information charging 377
that violent sex offense or if the person is convicted of or 378
pleads guilty to a designated homicide, assault, or kidnapping 379
offense and also is convicted of or pleads guilty to both a 380
sexual motivation specification and a sexually violent predator 381
specification that were included in the indictment, count in the 382
indictment, or information charging that designated homicide, 383
assault, or kidnapping offense. 384

(ZZ) An offense is "committed in proximity to a school" if 385
the offender commits the offense in a school safety zone or 386
within five hundred feet of any school building or the 387
boundaries of any school premises, regardless of whether the 388
offender knows the offense is being committed in a school safety 389
zone or within five hundred feet of any school building or the 390
boundaries of any school premises. 391

(AAA) "Human trafficking" means a scheme or plan to which 392
all of the following apply: 393

(1) Its object is one or more of the following:	394
(a) To subject a victim or victims to involuntary servitude, as defined in section 2905.31 of the Revised Code or to compel a victim or victims to engage in sexual activity for hire, to engage in a performance that is obscene, sexually oriented, or nudity oriented, or to be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented;	395 396 397 398 399 400 401
(b) To facilitate, encourage, or recruit a victim who is less than sixteen years of age or is a person with a developmental disability, or victims who are less than sixteen years of age or are persons with developmental disabilities, for any purpose listed in divisions (A) (2) (a) to (c) of section 2905.32 of the Revised Code;	402 403 404 405 406 407
(c) To facilitate, encourage, or recruit a victim who is sixteen or seventeen years of age, or victims who are sixteen or seventeen years of age, for any purpose listed in divisions (A) (2) (a) to (c) of section 2905.32 of the Revised Code, if the circumstances described in division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) of section 2907.03 of the Revised Code apply with respect to the person engaging in the conduct and the victim or victims.	408 409 410 411 412 413 414 415
(2) It involves at least two felony offenses, whether or not there has been a prior conviction for any of the felony offenses, to which all of the following apply:	416 417 418
(a) Each of the felony offenses is a violation of section 2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code or	419 420 421 422

is a violation of a law of any state other than this state that 423
is substantially similar to any of the sections or divisions of 424
the Revised Code identified in this division. 425

(b) At least one of the felony offenses was committed in 426
this state. 427

(c) The felony offenses are related to the same scheme or 428
plan and are not isolated instances. 429

(BBB) "Material," "nudity," "obscene," "performance," and 430
"sexual activity" have the same meanings as in section 2907.01 431
of the Revised Code. 432

(CCC) "Material that is obscene, sexually oriented, or 433
nudity oriented" means any material that is obscene, that shows 434
a person participating or engaging in sexual activity, 435
masturbation, or bestiality, or that shows a person in a state 436
of nudity. 437

(DDD) "Performance that is obscene, sexually oriented, or 438
nudity oriented" means any performance that is obscene, that 439
shows a person participating or engaging in sexual activity, 440
masturbation, or bestiality, or that shows a person in a state 441
of nudity. 442

(EEE) "Accelerant" means a fuel or oxidizing agent, such 443
as an ignitable liquid, used to initiate a fire or increase the 444
rate of growth or spread of a fire. 445

Sec. 2929.18. (A) Except as otherwise provided in this 446
division and in addition to imposing court costs pursuant to 447
section 2947.23 of the Revised Code, the court imposing a 448
sentence upon an offender for a felony may sentence the offender 449
to any financial sanction or combination of financial sanctions 450
authorized under this section or, in the circumstances specified 451

in section 2929.32 of the Revised Code, may impose upon the 452
offender a fine in accordance with that section. Financial 453
sanctions that may be imposed pursuant to this section include, 454
but are not limited to, the following: 455

(1) Restitution by the offender to the victim of the 456
offender's crime or any survivor of the victim, in an amount 457
based on the victim's economic loss. If the court imposes 458
restitution, the court shall order that the restitution be made 459
to the victim in open court, to the adult probation department 460
that serves the county on behalf of the victim, to the clerk of 461
courts, or to another agency designated by the court. If the 462
court imposes restitution, at sentencing, the court shall 463
determine the amount of restitution to be made by the offender. 464
If the court imposes restitution, the court may base the amount 465
of restitution it orders on an amount recommended by the victim, 466
the offender, a presentence investigation report, estimates or 467
receipts indicating the cost of repairing or replacing property, 468
and other information, provided that the amount the court orders 469
as restitution shall not exceed the amount of the economic loss 470
suffered by the victim as a direct and proximate result of the 471
commission of the offense. If the court imposes restitution for 472
the cost of accounting or auditing done to determine the extent 473
of economic loss, the court may order restitution for any amount 474
of the victim's costs of accounting or auditing provided that 475
the amount of restitution is reasonable and does not exceed the 476
value of property or services stolen or damaged as a result of 477
the offense. If the court decides to impose restitution, the 478
court shall hold a hearing on restitution if the offender, 479
victim, or survivor disputes the amount. All restitution 480
payments shall be credited against any recovery of economic loss 481
in a civil action brought by the victim or any survivor of the 482

victim against the offender. 483

If the court imposes restitution, the court may order that 484
the offender pay a surcharge of not more than five per cent of 485
the amount of the restitution otherwise ordered to the entity 486
responsible for collecting and processing restitution payments. 487

The victim or survivor may request that the prosecutor in 488
the case file a motion, or the offender may file a motion, for 489
modification of the payment terms of any restitution ordered. If 490
the court grants the motion, it may modify the payment terms as 491
it determines appropriate. 492

(2) Except as provided in division (B) (1), (3), or (4) of 493
this section, a fine payable by the offender to the state, to a 494
political subdivision, or as described in division (B) (2) of 495
this section to one or more law enforcement agencies, with the 496
amount of the fine based on a standard percentage of the 497
offender's daily income over a period of time determined by the 498
court and based upon the seriousness of the offense. A fine 499
ordered under this division shall not exceed the maximum 500
conventional fine amount authorized for the level of the offense 501
under division (A) (3) of this section. 502

(3) Except as provided in division (B) (1), (3), or (4) of 503
this section, a fine payable by the offender to the state, to a 504
political subdivision when appropriate for a felony, or as 505
described in division (B) (2) of this section to one or more law 506
enforcement agencies, in the following amount: 507

(a) For a felony of the first degree, not more than twenty 508
thousand dollars; 509

(b) For a felony of the second degree, not more than 510
fifteen thousand dollars; 511

(c) For a felony of the third degree, not more than ten thousand dollars;	512 513
(d) For a felony of the fourth degree, not more than five thousand dollars;	514 515
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	516 517
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	518 519
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	520 521 522
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	523 524 525
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	526 527 528 529 530 531 532
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	533 534 535 536 537
(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the	538 539

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

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

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

(2) Any mandatory fine imposed upon an offender under

division (B) (1) of this section and any fine imposed upon an 570
offender under division (A) (2) or (3) of this section for any 571
fourth or fifth degree felony violation of any provision of 572
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 573
to law enforcement agencies pursuant to division (F) of section 574
2925.03 of the Revised Code. 575

(3) For a fourth degree felony OVI offense and for a third 576
degree felony OVI offense, the sentencing court shall impose 577
upon the offender a mandatory fine in the amount specified in 578
division (G) (1) (d) or (e) of section 4511.19 of the Revised 579
Code, whichever is applicable. The mandatory fine so imposed 580
shall be disbursed as provided in the division pursuant to which 581
it is imposed. 582

(4) Notwithstanding any fine otherwise authorized or 583
required to be imposed under division (A) (2) or (3) or (B) (1) of 584
this section or section 2929.31 of the Revised Code for a 585
violation of section 2925.03 of the Revised Code, in addition to 586
any penalty or sanction imposed for that offense under section 587
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 588
in addition to the forfeiture of property in connection with the 589
offense as prescribed in Chapter 2981. of the Revised Code, the 590
court that sentences an offender for a violation of section 591
2925.03 of the Revised Code may impose upon the offender a fine 592
in addition to any fine imposed under division (A) (2) or (3) of 593
this section and in addition to any mandatory fine imposed under 594
division (B) (1) of this section. The fine imposed under division 595
(B) (4) of this section shall be used as provided in division (H) 596
of section 2925.03 of the Revised Code. A fine imposed under 597
division (B) (4) of this section shall not exceed whichever of 598
the following is applicable: 599

(a) The total value of any personal or real property in 600
which the offender has an interest and that was used in the 601
course of, intended for use in the course of, derived from, or 602
realized through conduct in violation of section 2925.03 of the 603
Revised Code, including any property that constitutes proceeds 604
derived from that offense; 605

(b) If the offender has no interest in any property of the 606
type described in division (B) (4) (a) of this section or if it is 607
not possible to ascertain whether the offender has an interest 608
in any property of that type in which the offender may have an 609
interest, the amount of the mandatory fine for the offense 610
imposed under division (B) (1) of this section or, if no 611
mandatory fine is imposed under division (B) (1) of this section, 612
the amount of the fine authorized for the level of the offense 613
imposed under division (A) (3) of this section. 614

(5) Prior to imposing a fine under division (B) (4) of this 615
section, the court shall determine whether the offender has an 616
interest in any property of the type described in division (B) 617
(4) (a) of this section. Except as provided in division (B) (6) or 618
(7) of this section, a fine that is authorized and imposed under 619
division (B) (4) of this section does not limit or affect the 620
imposition of the penalties and sanctions for a violation of 621
section 2925.03 of the Revised Code prescribed under those 622
sections or sections 2929.11 to 2929.18 of the Revised Code and 623
does not limit or affect a forfeiture of property in connection 624
with the offense as prescribed in Chapter 2981. of the Revised 625
Code. 626

(6) If the sum total of a mandatory fine amount imposed 627
for a first, second, or third degree felony violation of section 628
2925.03 of the Revised Code under division (B) (1) of this 629

section plus the amount of any fine imposed under division (B) 630
(4) of this section does not exceed the maximum statutory fine 631
amount authorized for the level of the offense under division 632
(A) (3) of this section or section 2929.31 of the Revised Code, 633
the court may impose a fine for the offense in addition to the 634
mandatory fine and the fine imposed under division (B) (4) of 635
this section. The sum total of the amounts of the mandatory 636
fine, the fine imposed under division (B) (4) of this section, 637
and the additional fine imposed under division (B) (6) of this 638
section shall not exceed the maximum statutory fine amount 639
authorized for the level of the offense under division (A) (3) of 640
this section or section 2929.31 of the Revised Code. The clerk 641
of the court shall pay any fine that is imposed under division 642
(B) (6) of this section to the county, township, municipal 643
corporation, park district as created pursuant to section 511.18 644
or 1545.04 of the Revised Code, or state law enforcement 645
agencies in this state that primarily were responsible for or 646
involved in making the arrest of, and in prosecuting, the 647
offender pursuant to division (F) of section 2925.03 of the 648
Revised Code. 649

(7) If the sum total of the amount of a mandatory fine 650
imposed for a first, second, or third degree felony violation of 651
section 2925.03 of the Revised Code plus the amount of any fine 652
imposed under division (B) (4) of this section exceeds the 653
maximum statutory fine amount authorized for the level of the 654
offense under division (A) (3) of this section or section 2929.31 655
of the Revised Code, the court shall not impose a fine under 656
division (B) (6) of this section. 657

(8) (a) If an offender who is convicted of or pleads guilty 658
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 659
2923.32, division (A) (1) or (2) of section 2907.323, or division 660

(B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code also is convicted of or pleads guilty to 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 trafficking, the sentencing court shall sentence the offender to a financial sanction of restitution by the offender to the victim or any survivor of the victim, with the restitution including the costs of housing, counseling, and medical and legal assistance incurred by the victim as a direct result of the offense and the greater of the following:

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

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

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

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

(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, 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 trafficking. 720

(C) (1) Except as provided in section 2951.021 of the 721
Revised Code, the offender shall pay reimbursements imposed upon 722
the offender pursuant to division (A) (5) (a) of this section to 723
pay the costs incurred by a county pursuant to any sanction 724
imposed under this section or section 2929.16 or 2929.17 of the 725
Revised Code or in operating a facility used to confine 726
offenders pursuant to a sanction imposed under section 2929.16 727
of the Revised Code to the county treasurer. The county 728
treasurer shall deposit the reimbursements in the sanction cost 729
reimbursement fund that each board of county commissioners shall 730
create in its county treasury. The county shall use the amounts 731
deposited in the fund to pay the costs incurred by the county 732
pursuant to any sanction imposed under this section or section 733
2929.16 or 2929.17 of the Revised Code or in operating a 734
facility used to confine offenders pursuant to a sanction 735
imposed under section 2929.16 of the Revised Code. 736

(2) Except as provided in section 2951.021 of the Revised 737
Code, the offender shall pay reimbursements imposed upon the 738
offender pursuant to division (A) (5) (a) of this section to pay 739
the costs incurred by a municipal corporation pursuant to any 740
sanction imposed under this section or section 2929.16 or 741
2929.17 of the Revised Code or in operating a facility used to 742
confine offenders pursuant to a sanction imposed under section 743
2929.16 of the Revised Code to the treasurer of the municipal 744
corporation. The treasurer shall deposit the reimbursements in a 745
special fund that shall be established in the treasury of each 746
municipal corporation. The municipal corporation shall use the 747
amounts deposited in the fund to pay the costs incurred by the 748
municipal corporation pursuant to any sanction imposed under 749
this section or section 2929.16 or 2929.17 of the Revised Code 750

or in operating a facility used to confine offenders pursuant to 751
a sanction imposed under section 2929.16 of the Revised Code. 752

(3) Except as provided in section 2951.021 of the Revised 753
Code, the offender shall pay reimbursements imposed pursuant to 754
division (A) (5) (a) of this section for the costs incurred by a 755
private provider pursuant to a sanction imposed under this 756
section or section 2929.16 or 2929.17 of the Revised Code to the 757
provider. 758

(D) Except as otherwise provided in this division, a 759
financial sanction imposed pursuant to division (A) or (B) of 760
this section is a judgment in favor of the state or a political 761
subdivision in which the court that imposed the financial 762
sanction is located, and the offender subject to the financial 763
sanction is the judgment debtor. A financial sanction of 764
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 765
section upon an offender who is incarcerated in a state facility 766
or a municipal jail is a judgment in favor of the state or the 767
municipal corporation, and the offender subject to the financial 768
sanction is the judgment debtor. A financial sanction of 769
reimbursement imposed upon an offender pursuant to this section 770
for costs incurred by a private provider of sanctions is a 771
judgment in favor of the private provider, and the offender 772
subject to the financial sanction is the judgment debtor. A 773
financial sanction of a mandatory fine imposed under division 774
(B) (10) of this section that is required under that division to 775
be paid to a law enforcement agency is a judgment in favor of 776
the specified law enforcement agency, and the offender subject 777
to the financial sanction is the judgment debtor. A financial 778
sanction of restitution imposed pursuant to division (A) (1) or 779
(B) (8) of this section is an order in favor of the victim of the 780
offender's criminal act that can be collected through a 781

certificate of judgment as described in division (D) (1) of this 782
section, through execution as described in division (D) (2) of 783
this section, or through an order as described in division (D) 784
(3) of this section, and the offender shall be considered for 785
purposes of the collection as the judgment debtor. Imposition of 786
a financial sanction and execution on the judgment does not 787
preclude any other power of the court to impose or enforce 788
sanctions on the offender. Once the financial sanction is 789
imposed as a judgment or order under this division, the victim, 790
private provider, state, or political subdivision may do any of 791
the following: 792

(1) Obtain from the clerk of the court in which the 793
judgment was entered a certificate of judgment that shall be in 794
the same manner and form as a certificate of judgment issued in 795
a civil action; 796

(2) Obtain execution of the judgment or order through any 797
available procedure, including: 798

(a) An execution against the property of the judgment 799
debtor under Chapter 2329. of the Revised Code; 800

(b) An execution against the person of the judgment debtor 801
under Chapter 2331. of the Revised Code; 802

(c) A proceeding in aid of execution under Chapter 2333. 803
of the Revised Code, including: 804

(i) A proceeding for the examination of the judgment 805
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 806
2333.27 of the Revised Code; 807

(ii) A proceeding for attachment of the person of the 808
judgment debtor under section 2333.28 of the Revised Code; 809

(iii) A creditor's suit under section 2333.01 of the Revised Code.	810 811
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	812 813
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	814 815
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	816 817
(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.	818 819 820 821
(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.	822 823 824 825 826 827 828 829 830 831 832 833 834
(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	835 836 837 838

been paid as ordered, the court may suspend any financial 839
sanctions imposed pursuant to this section or section 2929.32 of 840
the Revised Code that have not been paid. 841

(H) No financial sanction imposed under this section or 842
section 2929.32 of the Revised Code shall preclude a victim from 843
bringing a civil action against the offender. 844

Sec. 2929.28. (A) In addition to imposing court costs 845
pursuant to section 2947.23 of the Revised Code, the court 846
imposing a sentence upon an offender for a misdemeanor, 847
including a minor misdemeanor, may sentence the offender to any 848
financial sanction or combination of financial sanctions 849
authorized under this section. If the court in its discretion 850
imposes one or more financial sanctions, the financial sanctions 851
that may be imposed pursuant to this section include, but are 852
not limited to, the following: 853

(1) Unless the misdemeanor offense is a minor misdemeanor 854
or could be disposed of by the traffic violations bureau serving 855
the court under Traffic Rule 13, restitution by the offender to 856
the victim of the offender's crime or any survivor of the 857
victim, in an amount based on the victim's economic loss. The 858
court may not impose restitution as a sanction pursuant to this 859
division if the offense is a minor misdemeanor or could be 860
disposed of by the traffic violations bureau serving the court 861
under Traffic Rule 13. If the court requires restitution, the 862
court shall order that the restitution be made to the victim in 863
open court or to the adult probation department that serves the 864
jurisdiction or the clerk of the court on behalf of the victim. 865

If the court imposes restitution, the court shall 866
determine the amount of restitution to be paid by the offender. 867
If the court imposes restitution, the court may base the amount 868

of restitution it orders on an amount recommended by the victim, 869
the offender, a presentence investigation report, estimates or 870
receipts indicating the cost of repairing or replacing property, 871
and other information, provided that the amount the court orders 872
as restitution shall not exceed the amount of the economic loss 873
suffered by the victim as a direct and proximate result of the 874
commission of the offense. If the court imposes restitution for 875
the cost of accounting or auditing done to determine the extent 876
of economic loss, the court may order restitution for any amount 877
of the victim's costs of accounting or auditing provided that 878
the amount of restitution is reasonable and does not exceed the 879
value of property or services stolen or damaged as a result of 880
the offense. If the court decides to impose restitution, the 881
court shall hold an evidentiary hearing on restitution if the 882
offender, victim, or survivor disputes the amount of 883
restitution. If the court holds an evidentiary hearing, at the 884
hearing the victim or survivor has the burden to prove by a 885
preponderance of the evidence the amount of restitution sought 886
from the offender. 887

All restitution payments shall be credited against any 888
recovery of economic loss in a civil action brought by the 889
victim or any survivor of the victim against the offender. No 890
person may introduce evidence of an award of restitution under 891
this section in a civil action for purposes of imposing 892
liability against an insurer under section 3937.18 of the 893
Revised Code. 894

If the court imposes restitution, the court may order that 895
the offender pay a surcharge, of not more than five per cent of 896
the amount of the restitution otherwise ordered, to the entity 897
responsible for collecting and processing restitution payments. 898

The victim or survivor may request that the prosecutor in 899
the case file a motion, or the offender may file a motion, for 900
modification of the payment terms of any restitution ordered. If 901
the court grants the motion, it may modify the payment terms as 902
it determines appropriate. 903

(2) A fine of the type described in divisions (A) (2) (a) 904
and (b) of this section payable to the appropriate entity as 905
required by law: 906

(a) A fine in the following amount: 907

(i) For a misdemeanor of the first degree, not more than 908
one thousand dollars; 909

(ii) For a misdemeanor of the second degree, not more than 910
seven hundred fifty dollars; 911

(iii) For a misdemeanor of the third degree, not more than 912
five hundred dollars; 913

(iv) For a misdemeanor of the fourth degree, not more than 914
two hundred fifty dollars; 915

(v) For a minor misdemeanor, not more than one hundred 916
fifty dollars. 917

(b) A state fine or cost as defined in section 2949.111 of 918
the Revised Code. 919

(3) (a) Reimbursement by the offender of any or all of the 920
costs of sanctions incurred by the government, including, but 921
not limited to, the following: 922

(i) All or part of the costs of implementing any community 923
control sanction, including a supervision fee under section 924
2951.021 of the Revised Code; 925

(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;

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

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

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

If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (A) of section 2929.27 of the Revised

Code in lieu of imposing a financial sanction or court costs. If 956
the court does not determine that the offender is indigent, the 957
court may impose a term of community service under division (A) 958
of section 2929.27 of the Revised Code in lieu of or in addition 959
to imposing a financial sanction under this section and in 960
addition to imposing court costs. The court may order community 961
service for a minor misdemeanor pursuant to division (D) of 962
section 2929.27 of the Revised Code in lieu of or in addition to 963
imposing a financial sanction under this section and in addition 964
to imposing court costs. If a person fails to pay a financial 965
sanction or court costs, the court may order community service 966
in lieu of the financial sanction or court costs. 967

(C) (1) The offender shall pay reimbursements imposed upon 968
the offender pursuant to division (A) (3) of this section to pay 969
the costs incurred by a county pursuant to any sanction imposed 970
under this section or section 2929.26 or 2929.27 of the Revised 971
Code or in operating a facility used to confine offenders 972
pursuant to a sanction imposed under section 2929.26 of the 973
Revised Code to the county treasurer. The county treasurer shall 974
deposit the reimbursements in the county's general fund. The 975
county shall use the amounts deposited in the fund to pay the 976
costs incurred by the county pursuant to any sanction imposed 977
under this section or section 2929.26 or 2929.27 of the Revised 978
Code or in operating a facility used to confine offenders 979
pursuant to a sanction imposed under section 2929.26 of the 980
Revised Code. 981

(2) The offender shall pay reimbursements imposed upon the 982
offender pursuant to division (A) (3) of this section to pay the 983
costs incurred by a municipal corporation pursuant to any 984
sanction imposed under this section or section 2929.26 or 985
2929.27 of the Revised Code or in operating a facility used to 986

confine offenders pursuant to a sanction imposed under section 987
2929.26 of the Revised Code to the treasurer of the municipal 988
corporation. The treasurer shall deposit the reimbursements in 989
the municipal corporation's general fund. The municipal 990
corporation shall use the amounts deposited in the fund to pay 991
the costs incurred by the municipal corporation pursuant to any 992
sanction imposed under this section or section 2929.26 or 993
2929.27 of the Revised Code or in operating a facility used to 994
confine offenders pursuant to a sanction imposed under section 995
2929.26 of the Revised Code. 996

(3) The offender shall pay reimbursements imposed pursuant 997
to division (A) (3) of this section for the costs incurred by a 998
private provider pursuant to a sanction imposed under this 999
section or section 2929.26 or 2929.27 of the Revised Code to the 1000
provider. 1001

(D) In addition to any other fine that is or may be 1002
imposed under this section, the court imposing sentence upon an 1003
offender for misdemeanor domestic violence or menacing by 1004
stalking may impose a fine of not less than seventy nor more 1005
than five hundred dollars, which shall be transmitted to the 1006
treasurer of state to be credited to the address confidentiality 1007
program fund created by section 111.48 of the Revised Code. 1008

(E) Except as otherwise provided in this division, a 1009
financial sanction imposed under division (A) of this section is 1010
a judgment in favor of the state or the political subdivision 1011
that operates the court that imposed the financial sanction, and 1012
the offender subject to the financial sanction is the judgment 1013
debtor. A financial sanction of reimbursement imposed pursuant 1014
to division (A) (3) (a) (i) of this section upon an offender is a 1015
judgment in favor of the entity administering the community 1016

control sanction, and the offender subject to the financial 1017
sanction is the judgment debtor. A financial sanction of 1018
reimbursement imposed pursuant to division (A)(3)(a)(ii) of this 1019
section upon an offender confined in a jail or other residential 1020
facility is a judgment in favor of the entity operating the jail 1021
or other residential facility, and the offender subject to the 1022
financial sanction is the judgment debtor. A financial sanction 1023
of restitution imposed pursuant to division (A)(1) of this 1024
section is an order in favor of the victim of the offender's 1025
criminal act that can be collected through a certificate of 1026
judgment as described in division (E)(1) of this section, 1027
through execution as described in division (E)(2) of this 1028
section, or through an order as described in division (E)(3) of 1029
this section, and the offender shall be considered for purposes 1030
of the collection as the judgment debtor. 1031

Once the financial sanction is imposed as a judgment or 1032
order under this division, the victim, private provider, state, 1033
or political subdivision may do any of the following: 1034

(1) Obtain from the clerk of the court in which the 1035
judgment was entered a certificate of judgment that shall be in 1036
the same manner and form as a certificate of judgment issued in 1037
a civil action; 1038

(2) Obtain execution of the judgment or order through any 1039
available procedure, including any of the procedures identified 1040
in divisions (E)(1) and (2) of section 2929.18 of the Revised 1041
Code. 1042

(3) Obtain an order for the assignment of wages of the 1043
judgment debtor under section 1321.33 of the Revised Code. 1044

(F) The civil remedies authorized under division (E) of 1045

this section for the collection of the financial sanction 1046
supplement, but do not preclude, enforcement of the criminal 1047
sentence. 1048

(G) Each court imposing a financial sanction upon an 1049
offender under this section may designate the clerk of the court 1050
or another person to collect the financial sanction. The clerk, 1051
or another person authorized by law or the court to collect the 1052
financial sanction may do the following: 1053

(1) Enter into contracts with one or more public agencies 1054
or private vendors for the collection of amounts due under the 1055
sanction. Before entering into a contract for the collection of 1056
amounts due from an offender pursuant to any financial sanction 1057
imposed pursuant to this section, a court shall comply with 1058
sections 307.86 to 307.92 of the Revised Code. 1059

(2) Permit payment of all or any portion of the sanction 1060
in installments, by financial transaction device if the court is 1061
a county court or a municipal court operated by a county, by 1062
credit or debit card or by another electronic transfer if the 1063
court is a municipal court not operated by a county, or by any 1064
other reasonable method, in any time, and on any terms that 1065
court considers just, except that the maximum time permitted for 1066
payment shall not exceed five years. If the court is a county 1067
court or a municipal court operated by a county, the acceptance 1068
of payments by any financial transaction device shall be 1069
governed by the policy adopted by the board of county 1070
commissioners of the county pursuant to section 301.28 of the 1071
Revised Code. If the court is a municipal court not operated by 1072
a county, the clerk may pay any fee associated with processing 1073
an electronic transfer out of public money or may charge the fee 1074
to the offender. 1075

(3) To defray administrative costs, charge a reasonable 1076
fee to an offender who elects a payment plan rather than a lump 1077
sum payment of any financial sanction. 1078

(H) No financial sanction imposed under this section shall 1079
preclude a victim from bringing a civil action against the 1080
offender. 1081

Section 2. That existing sections 2929.01, 2929.18, and 1082
2929.28 of the Revised Code are hereby repealed. 1083

Section 3. Section 2929.18 of the Revised Code is 1084
presented in this act as a composite of the section as amended 1085
by both Sub. H.B. 60 and Sub. H.B. 359 of the 131st General 1086
Assembly. The General Assembly, applying the principle stated in 1087
division (B) of section 1.52 of the Revised Code that amendments 1088
are to be harmonized if reasonably capable of simultaneous 1089
operation, finds that the composite is the resulting version of 1090
the section in effect prior to the effective date of the section 1091
as presented in this act. 1092