

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 66**

**Representative Merrin**

**Cosponsors: Representatives Lang, Romanchuk, Vitale, Becker, Miller, A., Riedel,  
Zeltwanger, Schaffer, Jordan**

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**A BILL**

To amend sections 2929.01, 2929.18, and 2929.28 of 1  
the Revised Code to enact the "Theft Victims' 2  
Restitution Act" to allow restitution for the 3  
cost of accounting or auditing done to determine 4  
the extent of a victim's economic loss. 5

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

**Section 1.** That sections 2929.01, 2929.18, and 2929.28 of 6  
the Revised Code be amended to read as follows: 7

**Sec. 2929.01.** As used in this chapter: 8

(A) (1) "Alternative residential facility" means, subject 9  
to division (A) (2) of this section, any facility other than an 10  
offender's home or residence in which an offender is assigned to 11  
live and that satisfies all of the following criteria: 12

(a) It provides programs through which the offender may 13  
seek or maintain employment or may receive education, training, 14  
treatment, or habilitation. 15

(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

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| (2) The offender is required to report periodically to a person designated by the court or parole board.  | 104<br>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<br>107<br>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<br>110<br>111<br>112<br>113<br>114<br>115<br>116<br>117<br>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<br>120<br>121<br>122<br>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<br>125<br>126<br>127<br>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 2903.06 or division (D) of section 2903.08 of the Revised Code,   | 129<br>130<br>131<br>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 Code that is based on the possession of, sale of, or offer to sell the controlled substance.

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

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

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

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

(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



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| (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<br>222<br>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<br>225<br>226<br>227<br>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<br>230<br>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<br>233<br>234<br>235<br>236<br>237<br>238<br>239<br>240<br>241<br>242<br>243<br>244<br>245<br>246<br>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

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| 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

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| (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<br>396<br>397<br>398<br>399<br>400<br>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<br>403<br>404<br>405<br>406<br>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<br>409<br>410<br>411<br>412<br>413<br>414<br>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<br>417<br>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<br>420<br>421<br>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<br>513                                    |
| (d) For a felony of the fourth degree, not more than five thousand dollars;   | 514<br>515                                    |
| (e) For a felony of the fifth degree, not more than two thousand five hundred dollars.  | 516<br>517                                    |
| (4) A state fine or costs as defined in section 2949.111 of the Revised Code.   | 518<br>519                                    |
| (5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:  | 520<br>521<br>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<br>524<br>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<br>527<br>528<br>529<br>530<br>531<br>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<br>534<br>535<br>536<br>537               |
| (b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the   | 538<br>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<br>811  |
| (d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;   | 812<br>813  |
| (e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.  | 814<br>815  |
| (3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.  | 816<br>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<br>819<br>820<br>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<br>823<br>824<br>825<br>826<br>827<br>828<br>829<br>830<br>831<br>832<br>833<br>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<br>836<br>837<br>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

**Section 4.** This act shall be known as the "Theft Victims' 1093  
Restitution Act." 1094