

**As Reported by the Senate Judiciary Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Am. H. B. No. 462**

**Representatives Miller, K., Carfagna**

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

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**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

serious physical harm to persons; 73

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

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

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

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

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

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

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

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

(b) Any unlawful gambling device or paraphernalia;

(c) Any dangerous ordnance or obscene material.

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

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

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

(ii) An unborn human who is viable.

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

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

(i) "Unborn human" means an individual organism of the species *Homo sapiens* from fertilization until live birth.

(ii) "Viable" means the stage of development of a human fetus at which there is a realistic possibility of maintaining and nourishing of a life outside the womb with or without temporary artificial life-sustaining support.

(2) Notwithstanding division (B) (1) (a) of this section, in no case shall the portion of the definition of the term "person" that is set forth in division (B) (1) (a) (ii) of this section be applied or construed in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense in any of the following manners:

(a) Except as otherwise provided in division (B) (2) (a) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 of the Revised Code, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence, but that does violate section 2919.12, division (B) of section 2919.13, or section 2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may be punished as a violation of section 2919.12, division (B) of section 2919.13, or section 2919.15, 2919.151, 2919.17, or



2919.18 of the Revised Code, as applicable. Consent is	218
sufficient under this division if it is of the type otherwise	219
adequate to permit medical treatment to the pregnant woman, even	220
if it does not comply with section 2919.12 of the Revised Code.	221
(b) In a manner so that the offense is applied or is	222
construed as applying to a woman based on an act or omission of	223
the woman that occurs while she is or was pregnant and that	224
results in any of the following:	225
(i) Her delivery of a stillborn baby;	226
(ii) Her causing, in any other manner, the death in utero	227
of a viable, unborn human that she is carrying;	228
(iii) Her causing the death of her child who is born alive	229
but who dies from one or more injuries that are sustained while	230
the child is a viable, unborn human;	231
(iv) Her causing her child who is born alive to sustain	232
one or more injuries while the child is a viable, unborn human;	233
(v) Her causing, threatening to cause, or attempting to	234
cause, in any other manner, an injury, illness, or other	235
physiological impairment, regardless of its duration or gravity,	236
or a mental illness or condition, regardless of its duration or	237
gravity, to a viable, unborn human that she is carrying.	238
(C) As used in Title XXIX of the Revised Code:	239
(1) "School safety zone" consists of a school, school	240
building, school premises, school activity, and school bus.	241
(2) "School," "school building," and "school premises"	242
have the same meanings as in section 2925.01 of the Revised	243
Code.	244

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

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

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

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

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

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

(B) No person by means of a telecommunications device or 265  
telecommunications service shall report or cause to be reported 266  
false or misleading information to a law enforcement agency, 267  
emergency service provider, or public safety answering point, 268  
knowing the information to be false or misleading, with reckless 269  
disregard as to whether the report may cause bodily harm to any 270  
individual as a direct result of an emergency response to the 271  
report, and under circumstances where the report is reasonably 272  
likely to cause an emergency response from a law enforcement 273

agency, emergency service provider, or public safety answering 274  
point and the report does cause an emergency response. 275

(C) This section does not apply to any person conducting 276  
an authorized emergency drill. 277

(D) (1) Whoever violates this section is guilty of 278  
swatting. 279

(2) Except as otherwise provided in division (D) (3) of 280  
this section, swatting is a felony of the fourth degree. 281

(3) If a violation of this section results in serious 282  
physical harm to any person, it is a felony of the second 283  
degree. 284

(E) Prior to the sentencing of a person who has been 285  
convicted of or pleaded guilty to a violation of this section, 286  
the court shall enter an order that directs any law enforcement 287  
agency or emergency service provider involved in the emergency 288  
response that wishes to be reimbursed for the costs incurred by 289  
the agency or provider during the emergency response, to file 290  
with the court within a specified time an itemized statement of 291  
those costs. The court may then order the offender to reimburse 292  
the agency for all or a portion of those costs under section 293  
2929.18 of the Revised Code. 294

(F) Any act that is a violation of this section and any 295  
other section of the Revised Code may be prosecuted under this 296  
section, the other section, or both sections. 297

**Sec. 2929.18.** (A) Except as otherwise provided in this 298  
division and in addition to imposing court costs pursuant to 299  
section 2947.23 of the Revised Code, the court imposing a 300  
sentence upon an offender for a felony may sentence the offender 301  
to any financial sanction or combination of financial sanctions 302

authorized under this section or, in the circumstances specified 303  
in section 2929.32 of the Revised Code, may impose upon the 304  
offender a fine in accordance with that section. Financial 305  
sanctions that may be imposed pursuant to this section include, 306  
but are not limited to, the following: 307

(1) Restitution by the offender to the victim of the 308  
offender's crime or any survivor of the victim, in an amount 309  
based on the victim's economic loss. If the court imposes 310  
restitution, the court shall order that the restitution be made 311  
to the victim in open court, to the adult probation department 312  
that serves the county on behalf of the victim, to the clerk of 313  
courts, or to another agency designated by the court. If the 314  
court imposes restitution, at sentencing, the court shall 315  
determine the amount of restitution to be made by the offender. 316  
If the court imposes restitution, the court may base the amount 317  
of restitution it orders on an amount recommended by the victim, 318  
the offender, a presentence investigation report, estimates or 319  
receipts indicating the cost of repairing or replacing property, 320  
and other information, provided that the amount the court orders 321  
as restitution shall not exceed the amount of the economic loss 322  
suffered by the victim as a direct and proximate result of the 323  
commission of the offense. If the court imposes restitution for 324  
the cost of accounting or auditing done to determine the extent 325  
of economic loss, the court may order restitution for any amount 326  
of the victim's costs of accounting or auditing provided that 327  
the amount of restitution is reasonable and does not exceed the 328  
value of property or services stolen or damaged as a result of 329  
the offense. If the court decides to impose restitution, the 330  
court shall hold a hearing on restitution if the offender, 331  
victim, or survivor disputes the amount. All restitution 332  
payments shall be credited against any recovery of economic loss 333

in a civil action brought by the victim or any survivor of the 334  
victim against the offender. 335

If the court imposes restitution, the court may order that 336  
the offender pay a surcharge of not more than five per cent of 337  
the amount of the restitution otherwise ordered to the entity 338  
responsible for collecting and processing restitution payments. 339

The victim or survivor may request that the prosecutor in 340  
the case file a motion, or the offender may file a motion, for 341  
modification of the payment terms of any restitution ordered. If 342  
the court grants the motion, it may modify the payment terms as 343  
it determines appropriate. 344

(2) Except as provided in division (B) (1), (3), or (4) of 345  
this section, a fine payable by the offender to the state, to a 346  
political subdivision, or as described in division (B) (2) of 347  
this section to one or more law enforcement agencies, with the 348  
amount of the fine based on a standard percentage of the 349  
offender's daily income over a period of time determined by the 350  
court and based upon the seriousness of the offense. A fine 351  
ordered under this division shall not exceed the maximum 352  
conventional fine amount authorized for the level of the offense 353  
under division (A) (3) of this section. 354

(3) Except as provided in division (B) (1), (3), or (4) of 355  
this section, a fine payable by the offender to the state, to a 356  
political subdivision when appropriate for a felony, or as 357  
described in division (B) (2) of this section to one or more law 358  
enforcement agencies, in the following amount: 359

(a) For a felony of the first degree, not more than twenty 360  
thousand dollars; 361

(b) For a felony of the second degree, not more than 362

fifteen thousand dollars;	363
(c) For a felony of the third degree, not more than ten thousand dollars;	364 365
(d) For a felony of the fourth degree, not more than five thousand dollars;	366 367
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	368 369
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	370 371
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	372 373 374
(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;	375 376 377
(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;	378 379 380 381 382 383 384
(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.	385 386 387 388 389
(b) If the offender is sentenced to a sanction of	390

confinement pursuant to section 2929.14 or 2929.16 of the 391  
Revised Code that is to be served in a facility operated by a 392  
board of county commissioners, a legislative authority of a 393  
municipal corporation, or another local governmental entity, if, 394  
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 395  
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 396  
section 2929.37 of the Revised Code, the board, legislative 397  
authority, or other local governmental entity requires prisoners 398  
to reimburse the county, municipal corporation, or other entity 399  
for its expenses incurred by reason of the prisoner's 400  
confinement, and if the court does not impose a financial 401  
sanction under division (A) (5) (a) (ii) of this section, 402  
confinement costs may be assessed pursuant to section 2929.37 of 403  
the Revised Code. In addition, the offender may be required to 404  
pay the fees specified in section 2929.38 of the Revised Code in 405  
accordance with that section. 406

(c) Reimbursement by the offender for costs pursuant to 407  
section 2929.71 of the Revised Code; 408

(d) Reimbursement by the offender for costs pursuant to 409  
section 2917.321 of the Revised Code. 410

(B) (1) For a first, second, or third degree felony 411  
violation of any provision of Chapter 2925., 3719., or 4729. of 412  
the Revised Code, the sentencing court shall impose upon the 413  
offender a mandatory fine of at least one-half of, but not more 414  
than, the maximum statutory fine amount authorized for the level 415  
of the offense pursuant to division (A) (3) of this section. If 416  
an offender alleges in an affidavit filed with the court prior 417  
to sentencing that the offender is indigent and unable to pay 418  
the mandatory fine and if the court determines the offender is 419  
an indigent person and is unable to pay the mandatory fine 420

described in this division, the court shall not impose the 421  
mandatory fine upon the offender. 422

(2) Any mandatory fine imposed upon an offender under 423  
division (B)(1) of this section and any fine imposed upon an 424  
offender under division (A)(2) or (3) of this section for any 425  
fourth or fifth degree felony violation of any provision of 426  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 427  
to law enforcement agencies pursuant to division (F) of section 428  
2925.03 of the Revised Code. 429

(3) For a fourth degree felony OVI offense and for a third 430  
degree felony OVI offense, the sentencing court shall impose 431  
upon the offender a mandatory fine in the amount specified in 432  
division (G)(1)(d) or (e) of section 4511.19 of the Revised 433  
Code, whichever is applicable. The mandatory fine so imposed 434  
shall be disbursed as provided in the division pursuant to which 435  
it is imposed. 436

(4) Notwithstanding any fine otherwise authorized or 437  
required to be imposed under division (A)(2) or (3) or (B)(1) of 438  
this section or section 2929.31 of the Revised Code for a 439  
violation of section 2925.03 of the Revised Code, in addition to 440  
any penalty or sanction imposed for that offense under section 441  
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 442  
in addition to the forfeiture of property in connection with the 443  
offense as prescribed in Chapter 2981. of the Revised Code, the 444  
court that sentences an offender for a violation of section 445  
2925.03 of the Revised Code may impose upon the offender a fine 446  
in addition to any fine imposed under division (A)(2) or (3) of 447  
this section and in addition to any mandatory fine imposed under 448  
division (B)(1) of this section. The fine imposed under division 449  
(B)(4) of this section shall be used as provided in division (H) 450



of section 2925.03 of the Revised Code. A fine imposed under 451  
division (B) (4) of this section shall not exceed whichever of 452  
the following is applicable: 453

(a) The total value of any personal or real property in 454  
which the offender has an interest and that was used in the 455  
course of, intended for use in the course of, derived from, or 456  
realized through conduct in violation of section 2925.03 of the 457  
Revised Code, including any property that constitutes proceeds 458  
derived from that offense; 459

(b) If the offender has no interest in any property of the 460  
type described in division (B) (4) (a) of this section or if it is 461  
not possible to ascertain whether the offender has an interest 462  
in any property of that type in which the offender may have an 463  
interest, the amount of the mandatory fine for the offense 464  
imposed under division (B) (1) of this section or, if no 465  
mandatory fine is imposed under division (B) (1) of this section, 466  
the amount of the fine authorized for the level of the offense 467  
imposed under division (A) (3) of this section. 468

(5) Prior to imposing a fine under division (B) (4) of this 469  
section, the court shall determine whether the offender has an 470  
interest in any property of the type described in division (B) 471  
(4) (a) of this section. Except as provided in division (B) (6) or 472  
(7) of this section, a fine that is authorized and imposed under 473  
division (B) (4) of this section does not limit or affect the 474  
imposition of the penalties and sanctions for a violation of 475  
section 2925.03 of the Revised Code prescribed under those 476  
sections or sections 2929.11 to 2929.18 of the Revised Code and 477  
does not limit or affect a forfeiture of property in connection 478  
with the offense as prescribed in Chapter 2981. of the Revised 479  
Code. 480

(6) If the sum total of a mandatory fine amount imposed 481  
for a first, second, or third degree felony violation of section 482  
2925.03 of the Revised Code under division (B) (1) of this 483  
section plus the amount of any fine imposed under division (B) 484  
(4) of this section does not exceed the maximum statutory fine 485  
amount authorized for the level of the offense under division 486  
(A) (3) of this section or section 2929.31 of the Revised Code, 487  
the court may impose a fine for the offense in addition to the 488  
mandatory fine and the fine imposed under division (B) (4) of 489  
this section. The sum total of the amounts of the mandatory 490  
fine, the fine imposed under division (B) (4) of this section, 491  
and the additional fine imposed under division (B) (6) of this 492  
section shall not exceed the maximum statutory fine amount 493  
authorized for the level of the offense under division (A) (3) of 494  
this section or section 2929.31 of the Revised Code. The clerk 495  
of the court shall pay any fine that is imposed under division 496  
(B) (6) of this section to the county, township, municipal 497  
corporation, park district as created pursuant to section 511.18 498  
or 1545.04 of the Revised Code, or state law enforcement 499  
agencies in this state that primarily were responsible for or 500  
involved in making the arrest of, and in prosecuting, the 501  
offender pursuant to division (F) of section 2925.03 of the 502  
Revised Code. 503

(7) If the sum total of the amount of a mandatory fine 504  
imposed for a first, second, or third degree felony violation of 505  
section 2925.03 of the Revised Code plus the amount of any fine 506  
imposed under division (B) (4) of this section exceeds the 507  
maximum statutory fine amount authorized for the level of the 508  
offense under division (A) (3) of this section or section 2929.31 509  
of the Revised Code, the court shall not impose a fine under 510  
division (B) (6) of this section. 511

(8) (a) If an offender who is convicted of or pleads guilty 512  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 513  
2923.32, division (A) (1) or (2) of section 2907.323 involving a 514  
minor, or division (B) (1), (2), (3), (4), or (5) of section 515  
2919.22 of the Revised Code also is convicted of or pleads 516  
guilty to a specification of the type described in section 517  
2941.1422 of the Revised Code that charges that the offender 518  
knowingly committed the offense in furtherance of human 519  
trafficking, the sentencing court shall sentence the offender to 520  
a financial sanction of restitution by the offender to the 521  
victim or any survivor of the victim, with the restitution 522  
including the costs of housing, counseling, and medical and 523  
legal assistance incurred by the victim as a direct result of 524  
the offense and the greater of the following: 525

(i) The gross income or value to the offender of the 526  
victim's labor or services; 527

(ii) The value of the victim's labor as guaranteed under 528  
the minimum wage and overtime provisions of the "Federal Fair 529  
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 530  
state labor laws. 531

(b) If a court imposing sentence upon an offender for a 532  
felony is required to impose upon the offender a financial 533  
sanction of restitution under division (B) (8) (a) of this 534  
section, in addition to that financial sanction of restitution, 535  
the court may sentence the offender to any other financial 536  
sanction or combination of financial sanctions authorized under 537  
this section, including a restitution sanction under division 538  
(A) (1) of this section. 539

(9) In addition to any other fine that is or may be 540  
imposed under this section, the court imposing sentence upon an 541

offender for a felony that is a sexually oriented offense or a 542  
child-victim oriented offense, as those terms are defined in 543  
section 2950.01 of the Revised Code, may impose a fine of not 544  
less than fifty nor more than five hundred dollars. 545

(10) For a felony violation of division (A) of section 546  
2921.321 of the Revised Code that results in the death of the 547  
police dog or horse that is the subject of the violation, the 548  
sentencing court shall impose upon the offender a mandatory fine 549  
from the range of fines provided under division (A) (3) of this 550  
section for a felony of the third degree. A mandatory fine 551  
imposed upon an offender under division (B) (10) of this section 552  
shall be paid to the law enforcement agency that was served by 553  
the police dog or horse that was killed in the felony violation 554  
of division (A) of section 2921.321 of the Revised Code to be 555  
used as provided in division (E) (1) (b) of that section. 556

(11) In addition to any other fine that is or may be 557  
imposed under this section, the court imposing sentence upon an 558  
offender for any of the following offenses that is a felony may 559  
impose a fine of not less than seventy nor more than five 560  
hundred dollars, which shall be transmitted to the treasurer of 561  
state to be credited to the address confidentiality program fund 562  
created by section 111.48 of the Revised Code: 563

(a) Domestic violence; 564

(b) Menacing by stalking; 565

(c) Rape; 566

(d) Sexual battery; 567

(e) Trafficking in persons; 568

(f) A violation of section 2905.01, 2905.02, 2907.21, 569

2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 570  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 571  
section 2919.22 of the Revised Code, if the offender also is 572  
convicted of a specification of the type described in section 573  
2941.1422 of the Revised Code that charges that the offender 574  
knowingly committed the offense in furtherance of human 575  
trafficking. 576

(C) (1) Except as provided in section 2951.021 of the 577  
Revised Code, the offender shall pay reimbursements imposed upon 578  
the offender pursuant to division (A) (5) (a) of this section to 579  
pay the costs incurred by a county pursuant to any sanction 580  
imposed under this section or section 2929.16 or 2929.17 of the 581  
Revised Code or in operating a facility used to confine 582  
offenders pursuant to a sanction imposed under section 2929.16 583  
of the Revised Code to the county treasurer. The county 584  
treasurer shall deposit the reimbursements in the sanction cost 585  
reimbursement fund that each board of county commissioners shall 586  
create in its county treasury. The county shall use the amounts 587  
deposited in the fund to pay the costs incurred by the county 588  
pursuant to any sanction imposed under this section or section 589  
2929.16 or 2929.17 of the Revised Code or in operating a 590  
facility used to confine offenders pursuant to a sanction 591  
imposed under section 2929.16 of the Revised Code. 592

(2) Except as provided in section 2951.021 of the Revised 593  
Code, the offender shall pay reimbursements imposed upon the 594  
offender pursuant to division (A) (5) (a) of this section to pay 595  
the costs incurred by a municipal corporation pursuant to any 596  
sanction imposed under this section or section 2929.16 or 597  
2929.17 of the Revised Code or in operating a facility used to 598  
confine offenders pursuant to a sanction imposed under section 599  
2929.16 of the Revised Code to the treasurer of the municipal 600

corporation. The treasurer shall deposit the reimbursements in a 601  
special fund that shall be established in the treasury of each 602  
municipal corporation. The municipal corporation shall use the 603  
amounts deposited in the fund to pay the costs incurred by the 604  
municipal corporation pursuant to any sanction imposed under 605  
this section or section 2929.16 or 2929.17 of the Revised Code 606  
or in operating a facility used to confine offenders pursuant to 607  
a sanction imposed under section 2929.16 of the Revised Code. 608

(3) Except as provided in section 2951.021 of the Revised 609  
Code, the offender shall pay reimbursements imposed pursuant to 610  
division (A) (5) (a) of this section for the costs incurred by a 611  
private provider pursuant to a sanction imposed under this 612  
section or section 2929.16 or 2929.17 of the Revised Code to the 613  
provider. 614

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

be paid to a law enforcement agency is a judgment in favor of 632  
the specified law enforcement agency, and the offender subject 633  
to the financial sanction is the judgment debtor. A financial 634  
sanction of restitution imposed pursuant to division (A) (1) or 635  
(B) (8) of this section is an order in favor of the victim of the 636  
offender's criminal act that can be collected through a 637  
certificate of judgment as described in division (D) (1) of this 638  
section, through execution as described in division (D) (2) of 639  
this section, or through an order as described in division (D) 640  
(3) of this section, and the offender shall be considered for 641  
purposes of the collection as the judgment debtor. Imposition of 642  
a financial sanction and execution on the judgment does not 643  
preclude any other power of the court to impose or enforce 644  
sanctions on the offender. Once the financial sanction is 645  
imposed as a judgment or order under this division, the victim, 646  
private provider, state, or political subdivision may do any of 647  
the following: 648

(1) Obtain from the clerk of the court in which the 649  
judgment was entered a certificate of judgment that shall be in 650  
the same manner and form as a certificate of judgment issued in 651  
a civil action; 652

(2) Obtain execution of the judgment or order through any 653  
available procedure, including: 654

(a) An execution against the property of the judgment 655  
debtor under Chapter 2329. of the Revised Code; 656

(b) An execution against the person of the judgment debtor 657  
under Chapter 2331. of the Revised Code; 658

(c) A proceeding in aid of execution under Chapter 2333. 659  
of the Revised Code, including: 660

(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	661 662 663
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	664 665
(iii) A creditor's suit under section 2333.01 of the Revised Code.	666 667
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	668 669
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	670 671
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	672 673
(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.	674 675 676 677
(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	678 679 680 681 682 683 684 685 686 687 688 689



comply with sections 307.86 to 307.92 of the Revised Code. 690

(G) If a court that imposes a financial sanction under 691  
division (A) or (B) of this section finds that an offender 692  
satisfactorily has completed all other sanctions imposed upon 693  
the offender and that all restitution that has been ordered has 694  
been paid as ordered, the court may suspend any financial 695  
sanctions imposed pursuant to this section or section 2929.32 of 696  
the Revised Code that have not been paid. 697

(H) No financial sanction imposed under this section or 698  
section 2929.32 of the Revised Code shall preclude a victim from 699  
bringing a civil action against the offender. 700

**Section 2.** That existing sections 2901.01 and 2929.18 of 701  
the Revised Code are hereby repealed. 702