

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 41

Senator Schaffer

Cosponsors: Senators Lang, Cirino, Hottinger

A BILL

To amend sections 2909.05, 2917.01, 2917.02, 1
2917.03, 2923.01, 2929.18, 2929.28, and 2949.111 2
and to enact sections 2901.51 and 2929.73 of the 3
Revised Code regarding restitution for 4
vandalism, inciting to violence, aggravated 5
riot, and riot; inclusion of certain vandalism 6
conduct within conspiracy; and reimbursement, by 7
a person convicted of an offense connected to a 8
potential serious threat to public safety, of 9
government costs incurred in a response to the 10
threat. 11

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

Section 1. That sections 2909.05, 2917.01, 2917.02, 12
2917.03, 2923.01, 2929.18, 2929.28, and 2949.111 be amended and 13
sections 2901.51 and 2929.73 of the Revised Code be enacted to 14
read as follows: 15

Sec. 2901.51. (A) As used in this section, "agency," 16
"public safety response," and "potential serious threat to 17
public safety" have the same meanings as in section 2929.73 of 18

the Revised Code. 19

(B) In any case in which any agency makes a public safety 20
response to a potential serious threat to public safety, the 21
agency, the government entity served by the agency, or personnel 22
of that agency or entity may remove and take possession of any 23
property left behind after the end of the potential threat. The 24
property shall be disposed of in any manner authorized by law, 25
including, to the extent applicable, under Chapter 2981. of the 26
Revised Code as lost property, abandoned property, or 27
contraband. 28

Sec. 2909.05. (A) No person shall knowingly cause serious 29
physical harm to an occupied structure or any of its contents. 30

(B) (1) No person shall knowingly cause physical harm to 31
property that is owned or possessed by another, when either of 32
the following applies: 33

(a) The property is used by its owner or possessor in the 34
owner's or possessor's profession, business, trade, or 35
occupation, and the value of the property or the amount of 36
physical harm involved is one thousand dollars or more; 37

(b) Regardless of the value of the property or the amount 38
of damage done, the property or its equivalent is necessary in 39
order for its owner or possessor to engage in the owner's or 40
possessor's profession, business, trade, or occupation. 41

(2) No person shall knowingly ~~cause~~ do either of the 42
following: 43

(a) Cause serious physical harm to property that is owned, 44
leased, or controlled by a governmental entity. ~~A governmental~~ 45
entity includes, but is not limited to, the state or a political 46
subdivision of the state, a school district, the board of 47

~~trustees of a public library or public university, or any other~~ 48
~~body corporate and politic responsible for governmental~~ 49
~~activities only in geographical areas smaller than that of the~~ 50
~~state;~~ 51

(b) Cause physical harm to property that is owned, leased, 52
or controlled by a governmental entity, or any entrance or 53
curtilage to or fixture on such property by intentionally 54
marring, marking upon, defacing, painting, or applying graffiti 55
upon, in a temporary or permanent manner, the property, 56
entrance, curtilage, or fixture, provided that this division 57
does not apply with respect to the temporary marking of any 58
sidewalk. 59

(C) No person, without privilege to do so, shall knowingly 60
cause serious physical harm to any tomb, monument, gravestone, 61
or other similar structure that is used as a memorial for the 62
dead; to any fence, railing, curb, or other property that is 63
used to protect, enclose, or ornament any cemetery; or to a 64
cemetery. 65

(D) No person, without privilege to do so, shall knowingly 66
cause physical harm to a place of burial by breaking and 67
entering into a tomb, crypt, casket, or other structure that is 68
used as a memorial for the dead or as an enclosure for the dead. 69

(E) Whoever violates this section is guilty of vandalism. 70
Except as otherwise provided in this division, vandalism is a 71
felony of the fifth degree that is punishable by a fine of up to 72
two thousand five hundred dollars in addition to the penalties 73
specified for a felony of the fifth degree in sections 2929.11 74
to 2929.18 of the Revised Code. If the value of the property or 75
the amount of physical harm involved is seven thousand five 76
hundred dollars or more but less than one hundred fifty thousand 77

dollars, vandalism is a felony of the fourth degree. If the 78
value of the property or the amount of physical harm involved is 79
one hundred fifty thousand dollars or more, vandalism is a 80
felony of the third degree. 81

If the violation is of division (B)(2) of this section, in 82
addition to any other sentence imposed for the violation, the 83
court shall order the offender to make restitution as provided 84
in division (B)(12) of section 2929.18 of the Revised Code to 85
the governmental entity. 86

(F) For purposes of this section: 87

(1) "Cemetery" means any place of burial and includes 88
burial sites that contain American Indian burial objects placed 89
with or containing American Indian human remains. 90

(2) A "governmental entity" includes, but is not limited 91
to, any of the following: 92

(a) The state or a political subdivision of the state, a 93
school district, the board of trustees of a public library or 94
public university, or any other body corporate and politic 95
responsible for governmental activities only in geographical 96
areas smaller than that of the state; 97

(b) The government of the United States or any department, 98
agency, or instrumentality, corporate or otherwise, of the 99
government of the United States. 100

(3) "Serious physical harm" means physical harm to 101
property that results in loss to the value of the property of 102
one thousand dollars or more. 103

Sec. 2917.01. (A) No person shall knowingly engage in 104
conduct designed to urge or incite another to commit any offense 105

of violence, when either of the following apply: 106

(1) The conduct takes place under circumstances that 107
create a clear and present danger that any offense of violence 108
will be committed; 109

(2) The conduct proximately results in the commission of 110
any offense of violence. 111

(B) Whoever violates this section is guilty of inciting to 112
violence. If the offense of violence that the other person is 113
being urged or incited to commit is a misdemeanor, inciting to 114
violence is a misdemeanor of the first degree. If the offense of 115
violence that the other person is being urged or incited to 116
commit is a felony, inciting to violence is a felony of the 117
third degree. 118

In addition to any other sentence imposed for the 119
violation, the court shall order the offender to make 120
restitution as provided in division (B)(12) of section 2929.18 121
or division (B)(1) of section 2929.28 of the Revised Code to the 122
victim. 123

Sec. 2917.02. (A) No person shall participate with four or 124
more others in a course of disorderly conduct in violation of 125
section 2917.11 of the Revised Code: 126

(1) With purpose to commit or facilitate the commission of 127
a felony; 128

(2) With purpose to commit or facilitate the commission of 129
any offense of violence; 130

(3) When the offender or any participant to the knowledge 131
of the offender has on or about the offender's or participant's 132
person or under the offender's or participant's control, uses, 133

or intends to use a deadly weapon or dangerous ordnance, as 134
defined in section 2923.11 of the Revised Code. 135

(B) (1) No person, being an inmate in a detention facility, 136
shall violate division (A) (1) or (3) of this section. 137

(2) No person, being an inmate in a detention facility, 138
shall violate division (A) (2) of this section or section 2917.03 139
of the Revised Code. 140

(C) Whoever violates this section is guilty of aggravated 141
riot. A violation of division (A) (1) or (3) of this section is a 142
felony of the fifth degree. A violation of division (A) (2) or 143
(B) (1) of this section is a felony of the fourth degree. A 144
violation of division (B) (2) of this section is a felony of the 145
third degree. 146

In addition to any other sentence imposed for the 147
violation, the court shall order the offender to make 148
restitution as provided in division (B) (12) of section 2929.18 149
of the Revised Code to the victim. 150

(D) As used in this section, "detention facility" has the 151
same meaning as in section 2921.01 of the Revised Code. 152

Sec. 2917.03. (A) No person shall participate with four or 153
more others in a course of disorderly conduct in violation of 154
section 2917.11 of the Revised Code: 155

(1) With purpose to commit or facilitate the commission of 156
a misdemeanor, other than disorderly conduct; 157

(2) With purpose to intimidate a public official or 158
employee into taking or refraining from official action, or with 159
purpose to hinder, impede, or obstruct a function of government; 160

(3) With purpose to hinder, impede, or obstruct the 161

orderly process of administration or instruction at an 162
educational institution, or to interfere with or disrupt lawful 163
activities carried on at such institution. 164

(B) No person shall participate with four or more others 165
with purpose to do an act with unlawful force or violence, even 166
though such act might otherwise be lawful. 167

(C) Whoever violates this section is guilty of riot, a 168
misdemeanor of the first degree. 169

In addition to any other sentence imposed for the 170
violation, the court shall order the offender to make 171
restitution as provided in division (B) (1) of section 2929.28 of 172
the Revised Code to the victim. 173

Sec. 2923.01. (A) No person, with purpose to commit or to 174
promote or facilitate the commission of aggravated murder, 175
murder, kidnapping, abduction, compelling prostitution, 176
promoting prostitution, trafficking in persons, aggravated 177
arson, arson, aggravated robbery, robbery, aggravated burglary, 178
burglary, trespassing in a habitation when a person is present 179
or likely to be present, vandalism in violation of division (B) 180
(2) (b) of section 2909.05 of the Revised Code, engaging in a 181
pattern of corrupt activity, corrupting another with drugs, a 182
felony drug trafficking, manufacturing, processing, or 183
possession offense, theft of drugs, or illegal processing of 184
drug documents, the commission of a felony offense of 185
unauthorized use of a vehicle, illegally transmitting multiple 186
commercial electronic mail messages or unauthorized access of a 187
computer in violation of section 2923.421 of the Revised Code, 188
or the commission of a violation of any provision of Chapter 189
3734. of the Revised Code, other than section 3734.18 of the 190
Revised Code, that relates to hazardous wastes, shall do either 191

of the following:	192
(1) With another person or persons, plan or aid in	193
planning the commission of any of the specified offenses;	194
(2) Agree with another person or persons that one or more	195
of them will engage in conduct that facilitates the commission	196
of any of the specified offenses.	197
(B) No person shall be convicted of conspiracy unless a	198
substantial overt act in furtherance of the conspiracy is	199
alleged and proved to have been done by the accused or a person	200
with whom the accused conspired, subsequent to the accused's	201
entrance into the conspiracy. For purposes of this section, an	202
overt act is substantial when it is of a character that	203
manifests a purpose on the part of the actor that the object of	204
the conspiracy should be completed.	205
(C) When the offender knows or has reasonable cause to	206
believe that a person with whom the offender conspires also has	207
conspired or is conspiring with another to commit the same	208
offense, the offender is guilty of conspiring with that other	209
person, even though the other person's identity may be unknown	210
to the offender.	211
(D) It is no defense to a charge under this section that,	212
in retrospect, commission of the offense that was the object of	213
the conspiracy was impossible under the circumstances.	214
(E) A conspiracy terminates when the offense or offenses	215
that are its objects are committed or when it is abandoned by	216
all conspirators. In the absence of abandonment, it is no	217
defense to a charge under this section that no offense that was	218
the object of the conspiracy was committed.	219
(F) A person who conspires to commit more than one offense	220

is guilty of only one conspiracy, when the offenses are the 221
object of the same agreement or continuous conspiratorial 222
relationship. 223

(G) When a person is convicted of committing or attempting 224
to commit a specific offense or of complicity in the commission 225
of or attempt to commit the specific offense, the person shall 226
not be convicted of conspiracy involving the same offense. 227

(H) (1) No person shall be convicted of conspiracy upon the 228
testimony of a person with whom the defendant conspired, 229
unsupported by other evidence. 230

(2) If a person with whom the defendant allegedly has 231
conspired testifies against the defendant in a case in which the 232
defendant is charged with conspiracy and if the testimony is 233
supported by other evidence, the court, when it charges the 234
jury, shall state substantially the following: 235

"The testimony of an accomplice that is supported by other 236
evidence does not become inadmissible because of the 237
accomplice's complicity, moral turpitude, or self-interest, but 238
the admitted or claimed complicity of a witness may affect the 239
witness' credibility and make the witness' testimony subject to 240
grave suspicion, and require that it be weighed with great 241
caution. 242

It is for you, as jurors, in the light of all the facts 243
presented to you from the witness stand, to evaluate such 244
testimony and to determine its quality and worth or its lack of 245
quality and worth." 246

(3) "Conspiracy," as used in division (H) (1) of this 247
section, does not include any conspiracy that results in an 248
attempt to commit an offense or in the commission of an offense. 249

(I) The following are affirmative defenses to a charge of conspiracy:	250 251
(1) After conspiring to commit an offense, the actor thwarted the success of the conspiracy under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.	252 253 254 255
(2) After conspiring to commit an offense, the actor abandoned the conspiracy prior to the commission of or attempt to commit any offense that was the object of the conspiracy, either by advising all other conspirators of the actor's abandonment, or by informing any law enforcement authority of the existence of the conspiracy and of the actor's participation in the conspiracy.	256 257 258 259 260 261 262
(J) Whoever violates this section is guilty of conspiracy, which is one of the following:	263 264
(1) A felony of the first degree, when one of the objects of the conspiracy is aggravated murder, murder, or an offense for which the maximum penalty is imprisonment for life;	265 266 267
(2) A felony of the next lesser degree than the most serious offense that is the object of the conspiracy, when the most serious offense that is the object of the conspiracy is a felony of the first, second, third, or fourth degree;	268 269 270 271
(3) A felony punishable by a fine of not more than twenty-five thousand dollars or imprisonment for not more than eighteen months, or both, when the offense that is the object of the conspiracy is a violation of any provision of Chapter 3734. of the Revised Code, other than section 3734.18 of the Revised Code, that relates to hazardous wastes;	272 273 274 275 276 277
(4) A misdemeanor of the first degree, when the most	278

serious offense that is the object of the conspiracy is a felony 279
of the fifth degree. 280

(K) This section does not define a separate conspiracy 281
offense or penalty where conspiracy is defined as an offense by 282
one or more sections of the Revised Code, other than this 283
section. In such a case, however: 284

(1) With respect to the offense specified as the object of 285
the conspiracy in the other section or sections, division (A) of 286
this section defines the voluntary act or acts and culpable 287
mental state necessary to constitute the conspiracy; 288

(2) Divisions (B) to (I) of this section are incorporated 289
by reference in the conspiracy offense defined by the other 290
section or sections of the Revised Code. 291

(L) (1) In addition to the penalties that otherwise are 292
imposed for conspiracy, a person who is found guilty of 293
conspiracy to engage in a pattern of corrupt activity is subject 294
to divisions (B) (2) and (3) of section 2923.32, division (A) of 295
section 2981.04, and division (D) of section 2981.06 of the 296
Revised Code. 297

(2) If a person is convicted of or pleads guilty to 298
conspiracy and if the most serious offense that is the object of 299
the conspiracy is a felony drug trafficking, manufacturing, 300
processing, or possession offense, in addition to the penalties 301
or sanctions that may be imposed for the conspiracy under 302
division (J) (2) or (4) of this section and Chapter 2929. of the 303
Revised Code, both of the following apply: 304

(a) The provisions of divisions (D), (F), and (G) of 305
section 2925.03, division (D) of section 2925.04, division (D) 306
of section 2925.05, division (D) of section 2925.06, and 307

division (E) of section 2925.11 of the Revised Code that pertain 308
to mandatory and additional fines, driver's or commercial 309
driver's license or permit suspensions, and professionally 310
licensed persons and that would apply under the appropriate 311
provisions of those divisions to a person who is convicted of or 312
pleads guilty to the felony drug trafficking, manufacturing, 313
processing, or possession offense that is the most serious 314
offense that is the basis of the conspiracy shall apply to the 315
person who is convicted of or pleads guilty to the conspiracy as 316
if the person had been convicted of or pleaded guilty to the 317
felony drug trafficking, manufacturing, processing, or 318
possession offense that is the most serious offense that is the 319
basis of the conspiracy. 320

(b) The court that imposes sentence upon the person who is 321
convicted of or pleads guilty to the conspiracy shall comply 322
with the provisions identified as being applicable under 323
division (L)(2) of this section, in addition to any other 324
penalty or sanction that it imposes for the conspiracy under 325
division (J)(2) or (4) of this section and Chapter 2929. of the 326
Revised Code. 327

(M) As used in this section: 328

(1) "Felony drug trafficking, manufacturing, processing, 329
or possession offense" means any of the following that is a 330
felony: 331

(a) A violation of section 2925.03, 2925.04, 2925.05, or 332
2925.06 of the Revised Code; 333

(b) A violation of section 2925.11 of the Revised Code 334
that is not a minor drug possession offense. 335

(2) "Minor drug possession offense" has the same meaning 336

as in section 2925.01 of the Revised Code. 337

Sec. 2929.18. (A) Except as otherwise provided in this 338
division and in addition to imposing court costs pursuant to 339
section 2947.23 of the Revised Code, the court imposing a 340
sentence upon an offender for a felony may sentence the offender 341
to any financial sanction or combination of financial sanctions 342
authorized under this section or, in the circumstances specified 343
in section 2929.32 of the Revised Code, may impose upon the 344
offender a fine in accordance with that section. Financial 345
sanctions that may be imposed pursuant to this section include, 346
but are not limited to, the following: 347

(1) Restitution by the offender to the victim of the 348
offender's crime or any survivor of the victim, in an amount 349
based on the victim's economic loss. If the court imposes 350
restitution, the court shall order that the restitution be made 351
to the victim in open court, to the adult probation department 352
that serves the county on behalf of the victim, to the clerk of 353
courts, or to another agency designated by the court. If the 354
court imposes restitution, at sentencing, the court shall 355
determine the amount of restitution to be made by the offender. 356
If the court imposes restitution, the court may base the amount 357
of restitution it orders on an amount recommended by the victim, 358
the offender, a presentence investigation report, estimates or 359
receipts indicating the cost of repairing or replacing property, 360
and other information, provided that the amount the court orders 361
as restitution shall not exceed the amount of the economic loss 362
suffered by the victim as a direct and proximate result of the 363
commission of the offense. If the court decides to impose 364
restitution, the court shall hold a hearing on restitution if 365
the offender, victim, or survivor disputes the amount. All 366
restitution payments shall be credited against any recovery of 367

economic loss in a civil action brought by the victim or any 368
survivor of the victim against the offender. 369

If the court imposes restitution, the court may order that 370
the offender pay a surcharge of not more than five per cent of 371
the amount of the restitution otherwise ordered to the entity 372
responsible for collecting and processing restitution payments. 373

The victim or survivor may request that the prosecutor in 374
the case file a motion, or the offender may file a motion, for 375
modification of the payment terms of any restitution ordered. If 376
the court grants the motion, it may modify the payment terms as 377
it determines appropriate. 378

(2) Except as provided in division (B) (1), (3), or (4) of 379
this section, a fine payable by the offender to the state, to a 380
political subdivision, or as described in division (B) (2) of 381
this section to one or more law enforcement agencies, with the 382
amount of the fine based on a standard percentage of the 383
offender's daily income over a period of time determined by the 384
court and based upon the seriousness of the offense. A fine 385
ordered under this division shall not exceed the maximum 386
conventional fine amount authorized for the level of the offense 387
under division (A) (3) of this section. 388

(3) Except as provided in division (B) (1), (3), or (4) of 389
this section, a fine payable by the offender to the state, to a 390
political subdivision when appropriate for a felony, or as 391
described in division (B) (2) of this section to one or more law 392
enforcement agencies, in the following amount: 393

(a) For a felony of the first degree, not more than twenty 394
thousand dollars; 395

(b) For a felony of the second degree, not more than 396

fifteen thousand dollars;	397
(c) For a felony of the third degree, not more than ten thousand dollars;	398
(d) For a felony of the fourth degree, not more than five thousand dollars;	400
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	402
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	404
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	406
(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;	409
(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;	412
(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.	419
(b) If the offender is sentenced to a sanction of	424

confinement pursuant to section 2929.14 or 2929.16 of the 425
Revised Code that is to be served in a facility operated by a 426
board of county commissioners, a legislative authority of a 427
municipal corporation, or another local governmental entity, if, 428
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 429
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 430
section 2929.37 of the Revised Code, the board, legislative 431
authority, or other local governmental entity requires prisoners 432
to reimburse the county, municipal corporation, or other entity 433
for its expenses incurred by reason of the prisoner's 434
confinement, and if the court does not impose a financial 435
sanction under division (A) (5) (a) (ii) of this section, 436
confinement costs may be assessed pursuant to section 2929.37 of 437
the Revised Code. In addition, the offender may be required to 438
pay the fees specified in section 2929.38 of the Revised Code in 439
accordance with that section. 440

(c) Reimbursement by the offender for costs pursuant to an 441
order under section 2929.71 or 2929.73 of the Revised Code. 442

(B) (1) For a first, second, or third degree felony 443
violation of any provision of Chapter 2925., 3719., or 4729. of 444
the Revised Code, the sentencing court shall impose upon the 445
offender a mandatory fine of at least one-half of, but not more 446
than, the maximum statutory fine amount authorized for the level 447
of the offense pursuant to division (A) (3) of this section. If 448
an offender alleges in an affidavit filed with the court prior 449
to sentencing that the offender is indigent and unable to pay 450
the mandatory fine and if the court determines the offender is 451
an indigent person and is unable to pay the mandatory fine 452
described in this division, the court shall not impose the 453
mandatory fine upon the offender. 454

(2) Any mandatory fine imposed upon an offender under 455
division (B) (1) of this section and any fine imposed upon an 456
offender under division (A) (2) or (3) of this section for any 457
fourth or fifth degree felony violation of any provision of 458
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 459
to law enforcement agencies pursuant to division (F) of section 460
2925.03 of the Revised Code. 461

(3) For a fourth degree felony OVI offense and for a third 462
degree felony OVI offense, the sentencing court shall impose 463
upon the offender a mandatory fine in the amount specified in 464
division (G) (1) (d) or (e) of section 4511.19 of the Revised 465
Code, whichever is applicable. The mandatory fine so imposed 466
shall be disbursed as provided in the division pursuant to which 467
it is imposed. 468

(4) Notwithstanding any fine otherwise authorized or 469
required to be imposed under division (A) (2) or (3) or (B) (1) of 470
this section or section 2929.31 of the Revised Code for a 471
violation of section 2925.03 of the Revised Code, in addition to 472
any penalty or sanction imposed for that offense under section 473
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 474
in addition to the forfeiture of property in connection with the 475
offense as prescribed in Chapter 2981. of the Revised Code, the 476
court that sentences an offender for a violation of section 477
2925.03 of the Revised Code may impose upon the offender a fine 478
in addition to any fine imposed under division (A) (2) or (3) of 479
this section and in addition to any mandatory fine imposed under 480
division (B) (1) of this section. The fine imposed under division 481
(B) (4) of this section shall be used as provided in division (H) 482
of section 2925.03 of the Revised Code. A fine imposed under 483
division (B) (4) of this section shall not exceed whichever of 484
the following is applicable: 485

(a) The total value of any personal or real property in 486
which the offender has an interest and that was used in the 487
course of, intended for use in the course of, derived from, or 488
realized through conduct in violation of section 2925.03 of the 489
Revised Code, including any property that constitutes proceeds 490
derived from that offense; 491

(b) If the offender has no interest in any property of the 492
type described in division (B) (4) (a) of this section or if it is 493
not possible to ascertain whether the offender has an interest 494
in any property of that type in which the offender may have an 495
interest, the amount of the mandatory fine for the offense 496
imposed under division (B) (1) of this section or, if no 497
mandatory fine is imposed under division (B) (1) of this section, 498
the amount of the fine authorized for the level of the offense 499
imposed under division (A) (3) of this section. 500

(5) Prior to imposing a fine under division (B) (4) of this 501
section, the court shall determine whether the offender has an 502
interest in any property of the type described in division (B) 503
(4) (a) of this section. Except as provided in division (B) (6) or 504
(7) of this section, a fine that is authorized and imposed under 505
division (B) (4) of this section does not limit or affect the 506
imposition of the penalties and sanctions for a violation of 507
section 2925.03 of the Revised Code prescribed under those 508
sections or sections 2929.11 to 2929.18 of the Revised Code and 509
does not limit or affect a forfeiture of property in connection 510
with the offense as prescribed in Chapter 2981. of the Revised 511
Code. 512

(6) If the sum total of a mandatory fine amount imposed 513
for a first, second, or third degree felony violation of section 514
2925.03 of the Revised Code under division (B) (1) of this 515

section plus the amount of any fine imposed under division (B) 516
(4) of this section does not exceed the maximum statutory fine 517
amount authorized for the level of the offense under division 518
(A) (3) of this section or section 2929.31 of the Revised Code, 519
the court may impose a fine for the offense in addition to the 520
mandatory fine and the fine imposed under division (B) (4) of 521
this section. The sum total of the amounts of the mandatory 522
fine, the fine imposed under division (B) (4) of this section, 523
and the additional fine imposed under division (B) (6) of this 524
section shall not exceed the maximum statutory fine amount 525
authorized for the level of the offense under division (A) (3) of 526
this section or section 2929.31 of the Revised Code. The clerk 527
of the court shall pay any fine that is imposed under division 528
(B) (6) of this section to the county, township, municipal 529
corporation, park district as created pursuant to section 511.18 530
or 1545.04 of the Revised Code, or state law enforcement 531
agencies in this state that primarily were responsible for or 532
involved in making the arrest of, and in prosecuting, the 533
offender pursuant to division (F) of section 2925.03 of the 534
Revised Code. 535

(7) If the sum total of the amount of a mandatory fine 536
imposed for a first, second, or third degree felony violation of 537
section 2925.03 of the Revised Code plus the amount of any fine 538
imposed under division (B) (4) of this section exceeds the 539
maximum statutory fine amount authorized for the level of the 540
offense under division (A) (3) of this section or section 2929.31 541
of the Revised Code, the court shall not impose a fine under 542
division (B) (6) of this section. 543

(8) (a) If an offender who is convicted of or pleads guilty 544
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 545
2923.32, division (A) (1) or (2) of section 2907.323 involving a 546

minor, or division (B) (1), (2), (3), (4), or (5) of section 547
2919.22 of the Revised Code also is convicted of or pleads 548
guilty to a specification of the type described in section 549
2941.1422 of the Revised Code that charges that the offender 550
knowingly committed the offense in furtherance of human 551
trafficking, the sentencing court shall sentence the offender to 552
a financial sanction of restitution by the offender to the 553
victim or any survivor of the victim, with the restitution 554
including the costs of housing, counseling, and medical and 555
legal assistance incurred by the victim as a direct result of 556
the offense and the greater of the following: 557

(i) The gross income or value to the offender of the 558
victim's labor or services; 559

(ii) The value of the victim's labor as guaranteed under 560
the minimum wage and overtime provisions of the "Federal Fair 561
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 562
state labor laws. 563

(b) If a court imposing sentence upon an offender for a 564
felony is required to impose upon the offender a financial 565
sanction of restitution under division (B) (8) (a) of this 566
section, in addition to that financial sanction of restitution, 567
the court may sentence the offender to any other financial 568
sanction or combination of financial sanctions authorized under 569
this section, including a restitution sanction under division 570
(A) (1) of this section. 571

(9) In addition to any other fine that is or may be 572
imposed under this section, the court imposing sentence upon an 573
offender for a felony that is a sexually oriented offense or a 574
child-victim oriented offense, as those terms are defined in 575
section 2950.01 of the Revised Code, may impose a fine of not 576

less than fifty nor more than five hundred dollars. 577

(10) For a felony violation of division (A) of section 578
2921.321 of the Revised Code that results in the death of the 579
police dog or horse that is the subject of the violation, the 580
sentencing court shall impose upon the offender a mandatory fine 581
from the range of fines provided under division (A) (3) of this 582
section for a felony of the third degree. A mandatory fine 583
imposed upon an offender under division (B) (10) of this section 584
shall be paid to the law enforcement agency that was served by 585
the police dog or horse that was killed in the felony violation 586
of division (A) of section 2921.321 of the Revised Code to be 587
used as provided in division (E) (1) (b) of that section. 588

(11) In addition to any other fine that is or may be 589
imposed under this section, the court imposing sentence upon an 590
offender for any of the following offenses that is a felony may 591
impose a fine of not less than seventy nor more than five 592
hundred dollars, which shall be transmitted to the treasurer of 593
state to be credited to the address confidentiality program fund 594
created by section 111.48 of the Revised Code: 595

(a) Domestic violence; 596

(b) Menacing by stalking; 597

(c) Rape; 598

(d) Sexual battery; 599

(e) Trafficking in persons; 600

(f) A violation of section 2905.01, 2905.02, 2907.21, 601
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 602
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 603
section 2919.22 of the Revised Code, if the offender also is 604

convicted of a specification of the type described in section 605
2941.1422 of the Revised Code that charges that the offender 606
knowingly committed the offense in furtherance of human 607
trafficking. 608

(12) In addition to any other sanction that is imposed on 609
an offender convicted of a felony violation of division (B) (2) 610
of section 2909.05 or of section 2917.01 or 2917.02 of the 611
Revised Code, the court shall impose on the offender a financial 612
sanction of restitution for economic loss incurred by a person 613
or governmental entity as a result of the violation, including 614
any costs of cleaning or restoration of any property involved in 615
the violation, to be paid to that person or governmental entity 616
as the victim of the violation. Division (A) (1) of this section 617
applies with respect to restitution ordered under this division. 618

(C) (1) Except as provided in section 2951.021 of the 619
Revised Code, the offender shall pay reimbursements imposed upon 620
the offender pursuant to division (A) (5) (a) of this section to 621
pay the costs incurred by a county pursuant to any sanction 622
imposed under this section or section 2929.16 or 2929.17 of the 623
Revised Code or in operating a facility used to confine 624
offenders pursuant to a sanction imposed under section 2929.16 625
of the Revised Code to the county treasurer. The county 626
treasurer shall deposit the reimbursements in the sanction cost 627
reimbursement fund that each board of county commissioners shall 628
create in its county treasury. The county shall use the amounts 629
deposited in the fund to pay the costs incurred by the county 630
pursuant to any sanction imposed under this section or section 631
2929.16 or 2929.17 of the Revised Code or in operating a 632
facility used to confine offenders pursuant to a sanction 633
imposed under section 2929.16 of the Revised Code. 634

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

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

(4) The offender shall pay reimbursements ordered pursuant to division (A) (5) (c) of this section and section 2929.71 or 2929.73 of the Revised Code in accordance with the order issued under section 2929.71 or 2929.73 of the Revised Code. No money paid in satisfaction of all or a portion of a fine imposed on the offender under this section shall be used toward satisfaction of reimbursements so ordered.

(D) Except as otherwise provided in this division, a

financial sanction imposed pursuant to division (A) or (B) of 665
this section is a judgment in favor of the state or a political 666
subdivision in which the court that imposed the financial 667
sanction is located, and the offender subject to the financial 668
sanction is the judgment debtor. A financial sanction of 669
reimbursement imposed pursuant to division (A)(5)(a)(ii) of this 670
section upon an offender who is incarcerated in a state facility 671
or a municipal jail is a judgment in favor of the state or the 672
municipal corporation, and the offender subject to the financial 673
sanction is the judgment debtor. A financial sanction of 674
reimbursement imposed upon an offender pursuant to this section 675
for costs incurred by a private provider of sanctions is a 676
judgment in favor of the private provider, and the offender 677
subject to the financial sanction is the judgment debtor. A 678
financial sanction of reimbursement imposed on an offender under 679
division (A)(5)(c) of this section and section 2929.71 or 680
2929.73 of the Revised Code is a judgment in favor of the agency 681
to which the court orders the offender to make the 682
reimbursement, and the offender subject to the financial 683
sanction is the judgment debtor. A financial sanction of a 684
mandatory fine imposed under division (B)(10) of this section 685
that is required under that division to be paid to a law 686
enforcement agency is a judgment in favor of the specified law 687
enforcement agency, and the offender subject to the financial 688
sanction is the judgment debtor. A financial sanction of 689
restitution imposed pursuant to division (A)(1) or (B)(8) of 690
this section is an order in favor of the victim of the 691
offender's criminal act that can be collected through a 692
certificate of judgment as described in division (D)(1) of this 693
section, through execution as described in division (D)(2) of 694
this section, or through an order as described in division (D) 695
(3) of this section, and the offender shall be considered for 696

purposes of the collection as the judgment debtor. Imposition of 697
a financial sanction and execution on the judgment does not 698
preclude any other power of the court to impose or enforce 699
sanctions on the offender. Once the financial sanction is 700
imposed as a judgment or order under this division, the victim, 701
private provider, state, ~~or~~ political subdivision, or agency may 702
do any of the following: 703

(1) Obtain from the clerk of the court in which the 704
judgment was entered a certificate of judgment that shall be in 705
the same manner and form as a certificate of judgment issued in 706
a civil action; 707

(2) Obtain execution of the judgment or order through any 708
available procedure, including: 709

(a) An execution against the property of the judgment 710
debtor under Chapter 2329. of the Revised Code; 711

(b) An execution against the person of the judgment debtor 712
under Chapter 2331. of the Revised Code; 713

(c) A proceeding in aid of execution under Chapter 2333. 714
of the Revised Code, including: 715

(i) A proceeding for the examination of the judgment 716
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 717
2333.27 of the Revised Code; 718

(ii) A proceeding for attachment of the person of the 719
judgment debtor under section 2333.28 of the Revised Code; 720

(iii) A creditor's suit under section 2333.01 of the 721
Revised Code. 722

(d) The attachment of the property of the judgment debtor 723
under Chapter 2715. of the Revised Code; 724

(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	725 726
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	727 728
(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.	729 730 731 732
(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.	733 734 735 736 737 738 739 740 741 742 743 744 745
(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 been paid as ordered, the court may suspend any financial sanctions imposed pursuant to this section or section 2929.32 of the Revised Code that have not been paid.	746 747 748 749 750 751 752
(H) No financial sanction imposed under this section or	753

section 2929.32 of the Revised Code shall preclude a victim from 754
bringing a civil action against the offender. 755

Sec. 2929.28. (A) In addition to imposing court costs 756
pursuant to section 2947.23 of the Revised Code, the court 757
imposing a sentence upon an offender for a misdemeanor, 758
including a minor misdemeanor, may sentence the offender to any 759
financial sanction or combination of financial sanctions 760
authorized under this section. If the court in its discretion 761
imposes one or more financial sanctions, the financial sanctions 762
that may be imposed pursuant to this section include, but are 763
not limited to, the following: 764

(1) Unless the misdemeanor offense is a minor misdemeanor 765
or could be disposed of by the traffic violations bureau serving 766
the court under Traffic Rule 13, restitution by the offender to 767
the victim of the offender's crime or any survivor of the 768
victim, in an amount based on the victim's economic loss. The 769
court may not impose restitution as a sanction pursuant to this 770
division if the offense is a minor misdemeanor or could be 771
disposed of by the traffic violations bureau serving the court 772
under Traffic Rule 13. If the court requires restitution, the 773
court shall order that the restitution be made to the victim in 774
open court or to the adult probation department that serves the 775
jurisdiction or the clerk of the court on behalf of the victim. 776

If the court imposes restitution, the court shall 777
determine the amount of restitution to be paid by the offender. 778
If the court imposes restitution, the court may base the amount 779
of restitution it orders on an amount recommended by the victim, 780
the offender, a presentence investigation report, estimates or 781
receipts indicating the cost of repairing or replacing property, 782
and other information, provided that the amount the court orders 783

as restitution shall not exceed the amount of the economic loss 784
suffered by the victim as a direct and proximate result of the 785
commission of the offense. If the court decides to impose 786
restitution, the court shall hold an evidentiary hearing on 787
restitution if the offender, victim, or survivor disputes the 788
amount of restitution. If the court holds an evidentiary 789
hearing, at the hearing the victim or survivor has the burden to 790
prove by a preponderance of the evidence the amount of 791
restitution sought from the offender. 792

All restitution payments shall be credited against any 793
recovery of economic loss in a civil action brought by the 794
victim or any survivor of the victim against the offender. No 795
person may introduce evidence of an award of restitution under 796
this section in a civil action for purposes of imposing 797
liability against an insurer under section 3937.18 of the 798
Revised Code. 799

If the court imposes restitution, the court may order that 800
the offender pay a surcharge, of not more than five per cent of 801
the amount of the restitution otherwise ordered, to the entity 802
responsible for collecting and processing restitution payments. 803

The victim or survivor may request that the prosecutor in 804
the case file a motion, or the offender may file a motion, for 805
modification of the payment terms of any restitution ordered. If 806
the court grants the motion, it may modify the payment terms as 807
it determines appropriate. 808

(2) A fine of the type described in divisions (A) (2) (a) 809
and (b) of this section payable to the appropriate entity as 810
required by law: 811

(a) A fine in the following amount: 812

(i) For a misdemeanor of the first degree, not more than one thousand dollars;	813 814
(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	815 816
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	817 818
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	819 820
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	821 822
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	823 824
(3) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	825 826 827
(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;	828 829 830
(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;	831 832 833 834 835
(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.	836 837 838 839 840

(b) The amount of reimbursement ordered under division (A) 841
(3) (a) of this section shall not exceed the total amount of 842
reimbursement the offender is able to pay and shall not exceed 843
the actual cost of the sanctions. The court may collect any 844
amount of reimbursement the offender is required to pay under 845
that division. If the court does not order reimbursement under 846
that division, confinement costs may be assessed pursuant to a 847
repayment policy adopted under section 2929.37 of the Revised 848
Code. In addition, the offender may be required to pay the fees 849
specified in section 2929.38 of the Revised Code in accordance 850
with that section. 851

(c) Reimbursement by the offender for costs pursuant to 852
section 2929.73 of the Revised Code. 853

(B) (1) In addition to any other sanction that is imposed 854
on an offender convicted of a misdemeanor violation of section 855
2917.01 or 2917.03 of the Revised Code, the court shall impose 856
on the offender a financial sanction of restitution for economic 857
loss incurred by a person or governmental entity as a result of 858
the violation, including any costs of cleaning or restoration of 859
any property involved in the violation, to be paid to that 860
person or governmental entity as the victim of the violation. 861
Division (A) (1) of this section applies with respect to 862
restitution ordered under this division. 863

(2) If the court determines a hearing is necessary, the 864
court may hold a hearing to determine whether the offender is 865
able to pay the financial sanction imposed pursuant to this 866
section or court costs or is likely in the future to be able to 867
pay the sanction or costs. 868

If the court determines that the offender is indigent and 869
unable to pay the financial sanction or court costs, the court 870

shall consider imposing and may impose a term of community 871
service under division (A) of section 2929.27 of the Revised 872
Code in lieu of imposing a financial sanction or court costs. If 873
the court does not determine that the offender is indigent, the 874
court may impose a term of community service under division (A) 875
of section 2929.27 of the Revised Code in lieu of or in addition 876
to imposing a financial sanction under this section and in 877
addition to imposing court costs. The court may order community 878
service for a minor misdemeanor pursuant to division (D) of 879
section 2929.27 of the Revised Code in lieu of or in addition to 880
imposing a financial sanction under this section and in addition 881
to imposing court costs. If a person fails to pay a financial 882
sanction or court costs, the court may order community service 883
in lieu of the financial sanction or court costs. 884

(C) (1) The offender shall pay reimbursements imposed upon 885
the offender pursuant to division (A) (3) (a) of this section to 886
pay the costs incurred by a county pursuant to any sanction 887
imposed under this section or section 2929.26 or 2929.27 of the 888
Revised Code or in operating a facility used to confine 889
offenders pursuant to a sanction imposed under section 2929.26 890
of the Revised Code to the county treasurer. The county 891
treasurer shall deposit the reimbursements in the county's 892
general fund. The county shall use the amounts deposited in the 893
fund to pay the costs incurred by the county pursuant to any 894
sanction imposed under this section or section 2929.26 or 895
2929.27 of the Revised Code or in operating a facility used to 896
confine offenders pursuant to a sanction imposed under section 897
2929.26 of the Revised Code. 898

(2) The offender shall pay reimbursements imposed upon the 899
offender pursuant to division (A) (3) (a) of this section to pay 900
the costs incurred by a municipal corporation pursuant to any 901

sanction imposed under this section or section 2929.26 or 902
2929.27 of the Revised Code or in operating a facility used to 903
confine offenders pursuant to a sanction imposed under section 904
2929.26 of the Revised Code to the treasurer of the municipal 905
corporation. The treasurer shall deposit the reimbursements in 906
the municipal corporation's general fund. The municipal 907
corporation shall use the amounts deposited in the fund to pay 908
the costs incurred by the municipal corporation pursuant to any 909
sanction imposed under this section or section 2929.26 or 910
2929.27 of the Revised Code or in operating a facility used to 911
confine offenders pursuant to a sanction imposed under section 912
2929.26 of the Revised Code. 913

(3) The offender shall pay reimbursements imposed pursuant 914
to division (A) (3) (a) of this section for the costs incurred by 915
a private provider pursuant to a sanction imposed under this 916
section or section 2929.26 or 2929.27 of the Revised Code to the 917
provider. 918

(4) The offender shall pay reimbursements ordered pursuant 919
to division (A) (3) (c) of this section and section 2929.73 of the 920
Revised Code in accordance with the order issued under section 921
2929.73 of the Revised Code. No money paid in satisfaction of 922
all or a portion of a fine imposed on the offender under this 923
section shall be used toward satisfaction of reimbursements so 924
ordered. 925

(D) In addition to any other fine that is or may be 926
imposed under this section, the court imposing sentence upon an 927
offender for misdemeanor domestic violence or menacing by 928
stalking may impose a fine of not less than seventy nor more 929
than five hundred dollars, which shall be transmitted to the 930
treasurer of state to be credited to the address confidentiality 931

program fund created by section 111.48 of the Revised Code. 932

(E) Except as otherwise provided in this division, a 933
financial sanction imposed under division (A) of this section is 934
a judgment in favor of the state or the political subdivision 935
that operates the court that imposed the financial sanction, and 936
the offender subject to the financial sanction is the judgment 937
debtor. A financial sanction of reimbursement imposed pursuant 938
to division (A) (3) (a) (i) of this section upon an offender is a 939
judgment in favor of the entity administering the community 940
control sanction, and the offender subject to the financial 941
sanction is the judgment debtor. A financial sanction of 942
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 943
section upon an offender confined in a jail or other residential 944
facility is a judgment in favor of the entity operating the jail 945
or other residential facility, and the offender subject to the 946
financial sanction is the judgment debtor. A financial sanction 947
of reimbursement imposed on an offender under division (A) (3) (c) 948
of this section and section 2929.73 of the Revised Code is a 949
judgment in favor of the agency to which the court orders the 950
offender to make the reimbursement, and the offender subject to 951
the financial sanction is the judgment debtor. A financial 952
sanction of restitution imposed pursuant to division (A) (1) of 953
this section is an order in favor of the victim of the 954
offender's criminal act that can be collected through a 955
certificate of judgment as described in division (E) (1) of this 956
section, through execution as described in division (E) (2) of 957
this section, or through an order as described in division (E) 958
(3) of this section, and the offender shall be considered for 959
purposes of the collection as the judgment debtor. 960

Once the financial sanction is imposed as a judgment or 961
order under this division, the victim, private provider, state, 962

or political subdivision, <u>or agency</u> may do any of the following:	963
(1) Obtain from the clerk of the court in which the judgment was entered a certificate of judgment that shall be in the same manner and form as a certificate of judgment issued in a civil action;	964 965 966 967
(2) Obtain execution of the judgment or order through any available procedure, including any of the procedures identified in divisions (E) (1) and (2) of section 2929.18 of the Revised Code.	968 969 970 971
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	972 973
(F) The civil remedies authorized under division (E) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.	974 975 976 977
(G) Each court imposing a financial sanction upon an offender under this section may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following:	978 979 980 981 982
(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	983 984 985 986 987 988
(2) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a county court or a municipal court operated by a county, by	989 990 991

credit or debit card or by another electronic transfer if the 992
court is a municipal court not operated by a county, or by any 993
other reasonable method, in any time, and on any terms that 994
court considers just, except that the maximum time permitted for 995
payment shall not exceed five years. If the court is a county 996
court or a municipal court operated by a county, the acceptance 997
of payments by any financial transaction device shall be 998
governed by the policy adopted by the board of county 999
commissioners of the county pursuant to section 301.28 of the 1000
Revised Code. If the court is a municipal court not operated by 1001
a county, the clerk may pay any fee associated with processing 1002
an electronic transfer out of public money or may charge the fee 1003
to the offender. 1004

(3) To defray administrative costs, charge a reasonable 1005
fee to an offender who elects a payment plan rather than a lump 1006
sum payment of any financial sanction. 1007

(H) No financial sanction imposed under this section shall 1008
preclude a victim from bringing a civil action against the 1009
offender. 1010

Sec. 2929.73. (A) As used in this section: 1011

(1) "Agency" means any law enforcement agency, other 1012
public agency, or public official involved in any public safety 1013
response related to or resulting from any potential serious 1014
threat to public safety. An "agency" includes, but is not 1015
limited to, a sheriff's office; a municipal corporation, 1016
township, or township or joint police district police 1017
department; a municipal corporation, township, or township fire 1018
district fire department; an office or agency served by 1019
volunteer firefighters; and an office or agency served by first 1020
responders, emergency medical technicians-basic, emergency 1021

<u>medical technicians-intermediate, or emergency medical</u>	1022
<u>technicians-paramedic.</u>	1023
<u>(2) "Assets" includes all forms of real or personal</u>	1024
<u>property.</u>	1025
<u>(3) "Costs" means the reasonable value of the time spent</u>	1026
<u>by an officer or employee of an agency in any public safety</u>	1027
<u>response in connection with any potential serious threat to</u>	1028
<u>public safety and the reasonable fair market value of resources</u>	1029
<u>used or expended by the agency in that response.</u>	1030
<u>(4) "First responder," "emergency medical technician-</u>	1031
<u>basic," "emergency medical technician-intermediate," and</u>	1032
<u>"emergency medical technician-paramedic" have the same meanings</u>	1033
<u>as in section 4765.01 of the Revised Code.</u>	1034
<u>(5) "Itemized statement" means the statement of costs</u>	1035
<u>described in division (B) of this section.</u>	1036
<u>(6) "Offender" means a person who has been convicted of or</u>	1037
<u>pleaded guilty to committing any misdemeanor or felony offense</u>	1038
<u>in connection with a potential serious threat to public safety</u>	1039
<u>that causes or results in a public safety response.</u>	1040
<u>(7) "Potential serious threat to public safety" means a</u>	1041
<u>validated report that two or more persons acting in concert</u>	1042
<u>allegedly are committing, or allegedly committed at a time</u>	1043
<u>immediately preceding the making of the report, one or more</u>	1044
<u>felony violations of section 2909.02, 2909.03, 2909.04, 2909.05,</u>	1045
<u>2909.06, 2909.07, 2909.24, 2909.27, 2917.01, 2917.02, 2917.31,</u>	1046
<u>or 2917.33 of the Revised Code.</u>	1047
<u>(8) "Public safety response" means a response by an</u>	1048
<u>officer or employee of an agency or the use of equipment of an</u>	1049
<u>agency in a response to a potential serious threat to public</u>	1050

safety. 1051

(9) "Volunteer firefighter" has the same meaning as in 1052
section 146.01 of the Revised Code. 1053

(B) Prior to the sentencing of an offender, the court 1054
shall enter an order that directs agencies that wish to be 1055
reimbursed by the offender for the costs they incurred in a 1056
public safety response to the potential serious threat to public 1057
safety to which the offender's offense was connected to file 1058
with the court within a specified time an itemized statement of 1059
those costs. The order also shall require that a copy of the 1060
itemized statement be given to the offender or offender's 1061
attorney within the specified time. Only itemized statements so 1062
filed and given shall be considered at the hearing described in 1063
division (C) of this section and the determination following 1064
that hearing. 1065

(C) The court shall set a date for a hearing on all the 1066
itemized statements filed with it and given to the offender or 1067
the offender's attorney in accordance with division (B) of this 1068
section. The hearing shall be held prior to the sentencing of 1069
the offender, but may be held on the same day as the sentencing. 1070
Notice of the hearing date shall be given to the offender or the 1071
offender's attorney and to the agencies whose itemized 1072
statements are involved. At the hearing, each agency has the 1073
burden of establishing by a preponderance of the evidence that 1074
the costs set forth in its itemized statement were incurred in a 1075
public safety response to the potential serious threat to public 1076
safety to which the offender's offense was connected, and of 1077
establishing by a preponderance of the evidence that the 1078
offender has assets available for the reimbursement of all or a 1079
portion of the costs. 1080

The offender may cross-examine all witnesses and examine 1081
all documentation presented by the agencies at the hearing, and 1082
the offender may present at the hearing witnesses and 1083
documentation the offender has obtained without a subpoena or a 1084
subpoena duces tecum or, in the case of documentation, that 1085
belongs to the offender. The offender also may issue subpoenas 1086
and subpoenas duces tecum for, and present and examine at the 1087
hearing, witnesses and documentation, subject to the following 1088
applying to the witnesses or documentation subpoenaed: 1089

(1) The testimony of witnesses subpoenaed or documentation 1090
subpoenaed is material to the preparation or presentation by the 1091
offender of the offender's defense to the claims of the agencies 1092
for a reimbursement of costs; 1093

(2) If witnesses to be subpoenaed are personnel of an 1094
agency or documentation to be subpoenaed belongs to an agency, 1095
the personnel or documentation may be subpoenaed only if the 1096
agency involved has indicated, pursuant to this division, that 1097
it intends to present the personnel as witnesses or use the 1098
documentation at the hearing. The offender shall submit, in 1099
writing, a request to an agency as described in this division to 1100
ascertain whether the agency intends to present various 1101
personnel as witnesses or to use particular documentation. The 1102
request shall indicate that the offender is considering issuing 1103
subpoenas to personnel of the agency who are specifically named 1104
or identified by title or position, or for documentation of the 1105
agency that is specifically described or generally identified, 1106
and shall request the agency to indicate, in writing, whether it 1107
intends to present such personnel as witnesses or to use such 1108
documentation at the hearing. The agency shall promptly reply to 1109
the request of the offender. An agency is prohibited from 1110
presenting personnel as witnesses or from using documentation at 1111

the hearing if it indicates to the offender it does not intend 1112
to do so in response to a request of the offender under this 1113
division, or if it fails to reply or promptly reply to such a 1114
request. 1115

(D) Following the hearing, the court shall determine which 1116
of the agencies established by a preponderance of the evidence 1117
that costs set forth in their itemized statements were incurred 1118
as described in division (C) of this section and that the 1119
offender has assets available for reimbursement purposes. The 1120
court also shall determine whether the offender has assets 1121
available to reimburse all such agencies, in whole or in part, 1122
for their established costs, and if it determines that the 1123
assets are available, it shall order the offender, as part of 1124
the offender's sentence, to reimburse the agencies from the 1125
offender's assets for all or a specified portion of their 1126
established costs. 1127

Sec. 2949.111. (A) As used in this section: 1128

(1) "Court costs" means any assessment that the court 1129
requires an offender to pay to defray the costs of operating the 1130
court. 1131

(2) "State fines or costs" means any costs imposed or 1132
forfeited bail collected by the court under section 2743.70 of 1133
the Revised Code for deposit into the reparations fund or under 1134
section 2949.091 of the Revised Code for deposit into the 1135
indigent defense support fund established under section 120.08 1136
of the Revised Code and all fines, penalties, and forfeited bail 1137
collected by the court and paid to a law library association 1138
under section 307.515 of the Revised Code. 1139

(3) "Reimbursement" means any reimbursement for the costs 1140

of confinement that the court orders an offender to pay ~~pursuant~~ 1141
~~to~~under section 2929.28 of the Revised Code, any supervision 1142
fee, any fee for the costs of house arrest with electronic 1143
monitoring that an offender agrees to pay, any reimbursement for 1144
the costs of an investigation or prosecution that the court 1145
orders an offender to pay ~~pursuant to~~under section 2929.71 of 1146
the Revised Code, any reimbursement for the costs of a public 1147
safety response that a court orders an offender to pay under 1148
section 2929.73 of the Revised Code, or any other costs that the 1149
court orders an offender to pay. 1150

(4) "Supervision fees" means any fees that a court, 1151
pursuant to sections 2929.18, 2929.28, and 2951.021 of the 1152
Revised Code, requires an offender who is under a community 1153
control sanction to pay for supervision services. 1154

(5) "Community control sanction" has the same meaning as 1155
in section 2929.01 of the Revised Code. 1156

(B) Unless the court, in accordance with division (C) of 1157
this section, enters in the record of the case a different 1158
method of assigning payments, if a person who is charged with a 1159
misdemeanor is convicted of or pleads guilty to the offense, if 1160
the court orders the offender to pay any combination of court 1161
costs, state fines or costs, restitution, a conventional fine, 1162
or any reimbursement, and if the offender makes any payment of 1163
any of them to a clerk of court, the clerk shall assign the 1164
offender's payment in the following manner: 1165

(1) If the court ordered the offender to pay any court 1166
costs, the offender's payment shall be assigned toward the 1167
satisfaction of those court costs until they have been entirely 1168
paid. 1169

(2) If the court ordered the offender to pay any state 1170
fines or costs and if all of the court costs that the court 1171
ordered the offender to pay have been paid, the remainder of the 1172
offender's payment shall be assigned on a pro rata basis toward 1173
the satisfaction of the state fines or costs until they have 1174
been entirely paid. 1175

(3) If the court ordered the offender to pay any 1176
restitution and if all of the court costs and state fines or 1177
costs that the court ordered the offender to pay have been paid, 1178
the remainder of the offender's payment shall be assigned toward 1179
the satisfaction of the restitution until it has been entirely 1180
paid. 1181

(4) If the court ordered the offender to pay any fine and 1182
if all of the court costs, state fines or costs, and restitution 1183
that the court ordered the offender to pay have been paid, the 1184
remainder of the offender's payment shall be assigned toward the 1185
satisfaction of the fine until it has been entirely paid. 1186

(5) If the court ordered the offender to pay any 1187
reimbursement and if all of the court costs, state fines or 1188
costs, restitution, and fines that the court ordered the 1189
offender to pay have been paid, the remainder of the offender's 1190
payment shall be assigned toward the satisfaction of the 1191
reimbursements until they have been entirely paid. 1192

(C) If a person who is charged with a misdemeanor is 1193
convicted of or pleads guilty to the offense and if the court 1194
orders the offender to pay any combination of court costs, state 1195
fines or costs, restitution, fines, or reimbursements, the 1196
court, at the time it orders the offender to make those 1197
payments, may prescribe an order of payments that differs from 1198
the order set forth in division (B) of this section by entering 1199

in the record of the case the order so prescribed. If a 1200
different order is entered in the record, on receipt of any 1201
payment, the clerk of the court shall assign the payment in the 1202
manner prescribed by the court. 1203

Section 2. That existing sections 2909.05, 2917.01, 1204
2917.02, 2917.03, 2923.01, 2929.18, 2929.28, and 2949.111 of the 1205
Revised Code are hereby repealed. 1206