

FY 10-11 BIENNIAL OPERATING BUDGET (H.B. 1)  
 CHANGES INVOLVING COURT COSTS  
 Effective 10/16/09

Section	Page	Issue/Change
2937.22	954	<p>Adds \$25.00 surcharge on bail bonds.</p> <p>Applies to any offense other than a traffic offense that is not a moving violation, <u>and</u> when the person posts bail.</p> <p>If found not guilty or charges dismissed, the clerk of court shall return the money. (Same treatment as is currently for court costs.)</p>
2949.091	955	<p>Replaces \$15.00 flat fee with:</p> <ul style="list-style-type: none"> <li>• \$30 for felonies</li> <li>• \$20 for misdemeanors,</li> <li>• \$10 for traffic offense that is a non-moving violation, excluding parking tickets.</li> </ul> <p>If the person is found not guilty or the charges are dismissed, the clerk of court shall return the money.</p> <p>Redirects court costs from the GRF to the Indigent Defense Support Fund (IDSF).</p>
2949.111	957	<p>Defines “state fines or costs” collected in 2949.091 to be deposited to the IDSF rather than the GRF.</p>

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2949.17	958	<p>Increases per mile rate for criminal cost reimbursement from \$0.10 to \$1.00. Criminal cost reimbursement was not funded in HB 1, and has not been since 1992, therefore this change is essentially meaningless.</p>
4507.45	2047	<p>Increases license suspension fee from \$30 to \$40 and designates \$10 of the fee to the IDSF. These funds are handled by the BMV &amp; registrars.</p>
4509.101	2048	<p>Increases the financial responsibility reinstatement fee (FRA suspension) by \$25 for 1<sup>st</sup> offense, \$50 for 2<sup>nd</sup> offense, and \$100 for 3+ offense, and designates the money to be deposited in the IDSF. These funds are handled by the BMV &amp; registrars.</p>
4510.22	2063	<p>Increase fine for F Class suspension from \$15 to \$25 and designates \$10 of the fee to be deposited to the IDSF. These funds are handled by the BMV &amp; registrars.</p>
110.10	2726	<p>Harmonizes 2949.111 language with effective date in HB 420. This is the language that caused confusion regarding the effective date of the court cost changes. The correct effective date is October 16, 2009.</p>

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REPARATIONS ROTARY REPORTING FOR COURTS

<b>TOS ACCOUNT NUMBER (REQUIRED)</b>			
<b>COURT NAME AND ADDRESS</b>			
<b>REPORTING PERIOD</b>		Month	Year
<b>1. Victims of Crime - ORC 2743.70</b>		\$	
<b>2. ADDITIONAL COSTS/FINES – ORC 2949.091, 4511.19, 120.08, 2949.094 (A), 4503.235 (B), 5502.67, 5502.68</b>			
<b>a. General Revenue Fund</b>		\$	
<b>b. Indigent Drivers Alcohol Treatment Fund - \$50 Immobilization Waiver Fee</b>		\$	
<b>c. Indigent Defense Support Fund - includes 50% of the HB 562 \$10.00 court cost</b>		\$ Collections per 2937.22 & 2949.091 on or after 10/16/09 are reported here.	
<b>d. Drug Law Enforcement Fund - includes 97% of the 35% portion of HB 562 \$10.00 court cost</b>		\$	
<b>e. Justice Program Service Fund - 3% of the 35% portion of HB 562 \$10.00 court cost</b>		\$	
<b>3. State Highway Patrol - ORC 5503.04</b>		\$	
<b>4. Liquor Control Fines - ORC 4301.57</b>		\$	
<b>5. Expungements - ORC 2953.1 - 2953.36</b>		\$	
<b>6. Child Safety Restraint - ORC 4511.99</b>		\$	
<b>7. State Highway Safety Fund – ORC 4510.13 (A) (9)</b>		\$	
<b>8. Legal Aid Society Fund - ORC 1901.26, 1907.24, 2303.201 (less 1% admin costs)</b>			
# of Small Claims Cases @ \$11		\$	
# of Civil Cases @ \$26		\$	
# of no fee cases		\$	
# of cases moving from Small Claims to Civil @ \$15		\$	
<b>Legal Aid Society Fund Total</b>		\$	
<b>9. Child Abuse Prevention Fees - ORC 3109.13 - .18 (less 3% admin costs)</b>		\$	
<b>Family Violence Prevention Fees - ORC 3705.242 (less 3% admin costs)</b>		\$	
Penalty (if applicable)		\$	
# of Dissolutions	# of Divorces	# of Birth Certificates	# of Death Certificates
<b>10. Seat Belt Fines - ORC 4513.263</b>		\$	
# of Driver Tickets		# of Passenger Tickets	
<b>11. Ohio Putative Fathers Registry (OPFR) - ORC 3107.062</b>		\$	
<b>TOTAL AMOUNT REMITTED</b>		\$	

Name/Title \_\_\_\_\_ Phone # \_\_\_\_\_

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degree.

(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, division (B) of section 2923.163 of the Revised Code applies.

(K) As used in this section:

(1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code.

(2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.

(3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code.

(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code.

(5) "Unloaded" means any of the following:

(a) No ammunition is in the firearm in question, and no ammunition is loaded into a magazine or speed loader that may be used with the firearm in question and that is located anywhere within the vehicle in question, without regard to where ammunition otherwise is located within the vehicle in question. For the purposes of division (K)(5)(a) of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.

(b) With respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(6) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code.

(7) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the department of public safety, division of state highway patrol, that is created by section 5503.34 of the Revised Code.

Sec. 2937.22. (A) Bail is security for the appearance of an accused to appear and answer to a specific criminal or quasi-criminal charge in any court or before any magistrate at a specific time or at any time to which a case may be continued, and not depart without leave. It may take any of the

following forms:

~~(A)~~(1) The deposit of cash by the accused or by some other person for ~~him~~ the accused;

~~(B)~~(2) The deposit by the accused or by some other person for ~~him~~ the accused in form of bonds of the United States, this state, or any political subdivision thereof in a face amount equal to the sum set by the court or magistrate. In case of bonds not negotiable by delivery such bonds shall be properly endorsed for transfer.

~~(C)~~(3) The written undertaking by one or more persons to forfeit the sum of money set by the court or magistrate, if the accused is in default for appearance, which shall be known as a recognizance.

(B) Whenever a person is charged with any offense other than a traffic offense that is not a moving violation and posts bail, the person shall pay a surcharge of twenty-five dollars. The clerk of the court shall retain the twenty-five dollars until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the person is convicted, pleads guilty, or forfeits bail, the clerk shall transmit the twenty-five dollars on or before the twentieth day of the month following the month in which the person was convicted, pleaded guilty, or forfeited bail to the treasurer of state, and the treasurer of state shall deposit it into the indigent defense support fund created under section 120.08 of the Revised Code. If the person is found not guilty or the charges are dismissed, the clerk shall return the twenty-five dollars to the person.

(C) All bail shall be received by the clerk of the court, deputy clerk of court, or by the magistrate, or by a special referee appointed by the supreme court pursuant to section 2937.46 of the Revised Code, and, except in cases of recognizances, receipt shall be given therefor ~~by him~~.

(D) As used in this section, "moving violation" has the same meaning as in section 2743.70 of the Revised Code.

Sec. 2949.091. (A)(1)(a) The court, in which any person is convicted of or pleads guilty to any offense ~~other than a traffic offense that is not a moving violation~~, shall impose one of the sum of fifteen dollars following sums as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender;

(i) Thirty dollars if the offense is a felony;

(ii) Twenty dollars if the offense is a misdemeanor other than a traffic offense that is not a moving violation;

(iii) Ten dollars if the offense is a traffic offense that is not a moving violation, excluding parking violations. All such

(b) All moneys collected pursuant to division (A)(1)(a) of this section

during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state and deposited by the treasurer of state ~~into to the credit of the general revenue~~ indigent defense support fund established under section 120.08 of the Revised Code. The court shall not waive the payment of the additional ~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs, unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender.

(2)(a) The juvenile court, in which a child is found to be a delinquent child or a juvenile traffic offender for an act ~~which that~~, if committed by an adult, would be an offense ~~other than a traffic offense that is not a moving violation~~, shall impose one of the sum of fifteen dollars following sums as costs in the case in addition to any other court costs that the court is required or permitted by law to impose upon the delinquent child or juvenile traffic offender:

(i) Thirty dollars if the offense is a felony;

(ii) Twenty dollars if the offense is a misdemeanor other than a traffic offense that is not a moving violation;

(iii) Ten dollars if the offense is a traffic offense that is not a moving violation, excluding parking violations. All such

(b) All moneys collected pursuant to division (A)(2)(a) of this section during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state and deposited by the treasurer of state into to the credit of the general revenue indigent defense support fund established under section 120.08 of the Revised Code. The fifteen dollars ~~thirty-, twenty-, or ten-dollar~~ court costs shall be collected in all cases unless the court determines the juvenile is indigent and waives the payment of all court costs, or enters an order on its journal stating that it has determined that the juvenile is indigent, that no other court costs are to be taxed in the case, and that the payment of the ~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs is waived.

(B) Whenever a person is charged with any offense ~~other than a traffic offense that is not a moving violation and posts bail~~ described in division (A)(1) of this section, the court shall add to the amount of the bail the ~~fifteen~~ thirty, twenty, or ten dollars required to be paid by division (A)(1) of this section. The ~~fifteen~~ thirty, twenty, or ten dollars shall be retained by the clerk of the court until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the person is convicted, pleads guilty, or forfeits bail, the clerk shall transmit the ~~fifteen~~ thirty, twenty, or ten dollars on or before the twentieth day of the month following

the month in which the person was convicted, pleaded guilty, or forfeited bail to the treasurer of state, who shall deposit it ~~into~~ to the credit of the general revenue indigent defense support fund established under section 120.08 of the Revised Code. If the person is found not guilty or the charges are dismissed, the clerk shall return the ~~fifteen~~ thirty, twenty, or ten dollars to the person.

(C) No person shall be placed or held in a detention facility for failing to pay the additional ~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs or bail that are required to be paid by this section.

(D) As used in this section:

(1) "Moving violation" and "bail" have the same meanings as in section 2743.70 of the Revised Code.

(2) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.

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

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

(2) "State fines or costs" means any costs imposed or forfeited bail collected by the court under section 2743.70 of the Revised Code for deposit into the reparations fund or under section 2949.091 of the Revised Code for deposit into the general revenue indigent defense support fund established under section 120.08 of the Revised Code and all fines, penalties, and forfeited bail collected by the court and paid to a law library association under sections 3375.50 to 3375.53 of the Revised Code.

(3) "Reimbursement" means any reimbursement for the costs of confinement that the court orders an offender to pay pursuant to section 2929.28 of the Revised Code, any supervision fee, any fee for the costs of house arrest with electronic monitoring that an offender agrees to pay, any reimbursement for the costs of an investigation or prosecution that the court orders an offender to pay pursuant to section 2929.71 of the Revised Code, or any other costs that the court orders an offender to pay.

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

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

(B) Unless the court, in accordance with division (C) of this section, enters in the record of the case a different method of assigning payments, if a person who is charged with a misdemeanor is convicted of or pleads guilty to the offense, if the court orders the offender to pay any combination of

court costs, state fines or costs, restitution, a conventional fine, or any reimbursement, and if the offender makes any payment of any of them to a clerk of court, the clerk shall assign the offender's payment in the following manner:

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

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

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

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

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

(C) If a person who is charged with a misdemeanor is convicted of or pleads guilty to the offense and if the court orders the offender to pay any combination of court costs, state fines or costs, restitution, fines, or reimbursements, the court, at the time it orders the offender to make those payments, may prescribe an order of payments that differs from the order set forth in division (B) of this section by entering in the record of the case the order so prescribed. If a different order is entered in the record, on receipt of any payment, the clerk of the court shall assign the payment in the manner prescribed by the court.

Sec. 2949.17. (A) The sheriff may take one guard for every two convicted felons to be transported to a correctional institution. The trial judge may authorize a larger number of guards upon written application of the sheriff, in which case a transcript of the order of the judge shall be

certified by the clerk of the court of common pleas under the seal of the court, and the sheriff shall deliver the order with the convict to the person in charge of the correctional institution.

(B) In order to obtain reimbursement for the county for the expenses of transportation for indigent convicted felons, the clerk of the court of common pleas shall prepare a transportation cost bill for each indigent convicted felon transported pursuant to this section for an amount equal to ~~ten cents~~ not less than one dollar a mile from the county seat to the state correctional institution and return for ~~the sheriff and each of the guards and five cents a mile from the county seat to the state correctional institution~~ for each prisoner. The number of miles shall be computed by the usual route of travel. The clerk's duties under this division are subject to division (B) of section 2949.19 of the Revised Code.

Sec. 2981.13. (A) Except as otherwise provided in this section, property ordered forfeited as contraband, proceeds, or an instrumentality pursuant to this chapter shall be disposed of, used, or sold pursuant to section 2981.12 of the Revised Code. If the property is to be sold under that section, the prosecutor shall cause notice of the proposed sale to be given in accordance with law.

(B) If the contraband or instrumentality forfeited under this chapter is sold, any moneys acquired from a sale and any proceeds forfeited under this chapter shall be applied in the following order:

(1) First, to pay costs incurred in the seizure, storage, maintenance, security, and sale of the property and in the forfeiture proceeding;

(2) Second, in a criminal forfeiture case, to satisfy any restitution ordered to the victim of the offense or, in a civil forfeiture case, to satisfy any recovery ordered for the person harmed, unless paid from other assets;

(3) Third, to pay the balance due on any security interest preserved under this chapter;

(4) Fourth, apply the remaining amounts as follows:

(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more certified alcohol and drug addiction treatment programs as provided in division (D) of section 2981.12 of the Revised Code;

(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation: the law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code; the state highway patrol