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Bill Analysis
Legislative Service Commission

H.B. 320

123rd General Assembly
(As Introduced)

Reps. Willamowski, Taylor, DePiero, Grendell, Pringle

BILL SUMMARY

- Imposes an additional fine of \$1 on a person who pleads guilty to or is convicted of a state moving violation and on a child who is found to be a delinquent child or a juvenile traffic offender for committing a state moving violation.
- Requires all such additional fine money to be used to maintain and upgrade public safety equipment used by police officers and State Highway Patrol troopers.

CONTENT AND OPERATION

Additional \$1 fine for state moving violations; permitted uses of the additional fine moneys

Under the bill, the court in which any person is convicted of or pleads guilty to any moving violation other than a violation of a local traffic ordinance or regulation (a state moving violation) must impose a fine of \$1 in addition to any other fine that the court imposes upon the offender. The court cannot waive the payment of the additional \$1 fine unless the court determines that the offender is indigent and waives the payment of all fines imposed upon the indigent offender. On the first business day of each month, the clerk of the court is required to transmit the additional fine moneys collected to the treasury of the political subdivision that employs the police officer who charged the offender with the moving violation or, if the police officer who charged the offender with the moving violation was a State Highway Patrol trooper, to the state treasury. The additional fine moneys must be credited to the Public Safety Equipment Fund in that treasury. (Sec. 4511.992(A)(1).)

In a similar manner, the bill also requires the juvenile court in which a child is found to be a delinquent child or a juvenile traffic offender for an act that would

be a moving violation if committed by an adult other than a violation of a local traffic ordinance or regulation (a state moving violation) to impose a fine of \$1 in addition to any other fine the court imposes upon the child. The additional \$1 fine must be collected in all cases unless the court determines the child is indigent and waives the payment of all fines imposed upon the child or enters an order on its journal stating that it has determined that the child is indigent, that no other fines are to be imposed in the case, and that the payment of the additional \$1 fine is waived. On the first business day of each month, the clerk of the court must transmit the additional fine moneys collected to the treasury of the political subdivision that employs the police officer who charged the child with the moving violation or, if the police officer who charged the child with the moving violation was a State Highway Patrol trooper, to the state treasury. The additional fine moneys must be credited to the Public Safety Equipment Fund in that treasury. (Sec. 4511.992(A)(2).)

The bill prohibits any person from being placed or held in jail or custody for failing to pay the additional \$1 fine the bill requires be paid (sec. 4511.992(B)).

Each political subdivision that employs police officers is required to create in its treasury a Public Safety Equipment Fund to receive the fine moneys collected under the bill. The political subdivision must use the moneys credited to the Fund to maintain and upgrade the public safety equipment used by police officers employed by the political subdivision, including, but not limited to, video recording devices for motor vehicles used by the police officers and for radar equipment. (Sec. 4511.992(C)(1).)

The bill creates in the state treasury the Public Safety Equipment Fund to receive the fine moneys collected pursuant to the bill. The State Highway Patrol is required to use the moneys credited to the Fund to maintain and upgrade the public safety equipment used by State Highway Patrol troopers, including, but not limited to, video recording devices for motor vehicles used by State Highway Patrol troopers and for radar equipment. (Sec. 4511.992(C)(2).)

Definition

For purposes of the bill, "moving violation" means any violation of any statute or ordinance, other than the state seat belt law or a substantially equivalent seat belt ordinance, that regulates the operation of vehicles, streetcars, or trackless trolleys on highways or streets or that regulates size or load limitations or fitness requirements of vehicles. "Moving violation" does not include the violation of any statute or ordinance that regulates pedestrians or the parking of vehicles. (Sec. 4511.01(GGG) by reference to sec. 2743.70, not in the bill.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-29-99	p. 500

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