



Aida S Montano

## *Bill Analysis*

*Legislative Service Commission*

### **H.B. 715**

123rd General Assembly  
(As Introduced)

**Reps. Sulzer, Allen, Hartnett, Redfern, Grendell, Barrett, Ferderber, Patton, Sullivan, Jerse, Pringle, Flannery**

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#### **BILL SUMMARY**

- Creates the Spinal Cord Injury Cure Research Fund in the State Treasury to promote research to develop a spinal cord injury cure and to promote public awareness of the difficulties of persons suffering a spinal cord injury and to require the Department of Health to administer the fund.
- Creates the Spinal Cord Injury Cure Research Fund Committee to recommend expenditures from the Fund and activities serving a public purpose on behalf of persons suffering a spinal cord injury.
- Requires a court in which a person is convicted of or pleads guilty to a motor vehicle speeding violation or a juvenile court in which a child is found to be a juvenile traffic offender for that type of violation to impose one dollar as additional court costs to be deposited into the Fund.
- Requires the addition of one dollar to the amount of bail for a person charged with a motor vehicle speeding violation to be deposited into the Fund if the person is convicted, pleads guilty, or forfeits bail.
- Prohibits the placing or holding in a detention facility of any person for failing to pay the additional one dollar court costs or bail.

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#### **CONTENT AND OPERATION**

##### **Spinal Cord Injury Cure Research Fund and Committee**

The bill creates the Spinal Cord Injury Cure Research Fund in the State Treasury to be used to promote research to develop a cure for spinal cord injuries and to promote public awareness of the difficulties encountered by persons who

have suffered a spinal cord injury. The bill requires the Department of Health to administer the moneys in the Fund in accordance with its provisions. (R.C. 2949.093(D).)

The bill also creates the Spinal Cord Injury Cure Research Fund Committee consisting of seven members. The Speaker of the House of Representatives, the President of the Senate, the minority leader of the House, and the minority leader of the Senate each appoints one member, and the Governor appoints three members. The Committee must recommend (a) to the Director of Health expenditures from the Spinal Cord Injury Cure Research Fund and (b) activities that serve a public purpose on behalf of persons who have suffered a spinal cord injury. The Department of Health may hold or sponsor those activities. (R.C. 2949.093(E).)

The bill provides that the Sunset Law (see **COMMENT 1**) does not apply to the Spinal Cord Injury Cure Research Fund Committee (R.C. 2949.093(E)).

#### **Additional court costs**

The bill requires a court in which any person is convicted of or pleads guilty to a violation of state law pertaining to motor vehicle speed limits or assured clear distance ahead requirement (see **COMMENT 2**) or a substantially equivalent ordinance to impose the additional sum of *one dollar* as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender. The court cannot waive the payment of the additional one dollar court costs, unless it determines that the offender is indigent and waives the payment of *all* court costs imposed upon the indigent offender. (R.C. 2949.093(A)(1).)

The bill also requires a juvenile court in which a child is found to be a juvenile traffic offender for a violation of state law pertaining to motor vehicle speed limits or assured clear distance ahead requirement (see **COMMENT 2**) or a substantially equivalent ordinance to impose the sum of *one dollar* 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 juvenile traffic offender. The juvenile court must collect the one dollar court costs in all cases *unless* (a) the court determines in a case that the juvenile is indigent and waives the payment of *all* court costs or (b) the court 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 one dollar court costs is waived. (R.C. 2949.093(A)(2).)

The clerk of either court must transmit all costs collected pursuant to the bill during any month to the State Treasurer on or before the 20th day of the following month. The State Treasurer must deposit the transmitted costs into the Spinal Cord Injury Cure Research Fund, and the transmitted costs must be expended as provided in the bill. (R.C. 2949.093(A)(1) and (2).)

### Costs added to bail

The bill provides that whenever a person is charged with an offense in violation of state law pertaining to motor vehicle speed limits or assured clear distance ahead requirement (see **COMMENT 2**) or a substantially equivalent ordinance and posts *bail* (see **COMMENT 3**), the court must add to the amount of the bail the one dollar required to be paid as described above. The clerk of the court must retain the one dollar 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 must transmit the one dollar to the State Treasurer who must deposit it into the Spinal Cord Injury Cure Research Fund. The transmitted costs must be expended as provided in the bill. If the person is found not guilty or the charges against the person are dismissed, the clerk must return the one dollar to the person. (R.C. 2949.093(B).)

### Prohibition against detaining a person to pay the additional costs or bail

The bill prohibits the placing or holding in a *detention facility* (see **COMMENT 4**) of any person for failing to pay the additional one dollar court costs or bail (R.C. 2949.093(C)).

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## COMMENT

1. Under R.C. 101.84(A), an agency created after January 1, 1997, that is created on the 31st day of December expires not later than four years after its creation. An agency created after January 1, 1997, that is created on any other date is considered to have been created on the preceding 31st day of December and expires not later than four years after the date it was considered to have been created.

2. R.C. 4511.21(A) and (D) prohibits any person from (a) operating a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, (b) driving any motor vehicle, trackless trolley, or streetcar in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead, or (c) operating a motor vehicle, trackless trolley, or streetcar upon a street or highway at speeds exceeding specified limits. R.C. 4511.21 establishes prima-facie lawful speed limitations.

3. "Bail" means cash, a check, a money order, a credit card, or any other form of money that is posted by or for an offender pursuant to R.C. 2937.22 to 2937.46 (bail provisions in the Criminal Code), Criminal Rule 46, or Traffic Rule 4 to

prevent the offender from being placed or held in a detention facility (R.C. 2949.093(F)(1) and 2743.70(D)(2)).

4. "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime, or alleged or found to be a delinquent child or unruly child, in Ohio or another state or under the laws of the United States (R.C. 2949.093(F)(2) and 2921.01(F)).

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## **HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	05-22-00	p. 2015

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