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Bill Analysis
Legislative Service Commission

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Sen. Blessing

BILL SUMMARY

- Modifies an existing mechanism relative to the deduction from certain judgments granted to inmates in actual confinement of certain specified costs and awards by: (1) expanding the provision to also apply to settlements and consent judgments entered into by an inmate in actual confinement, (2) expanding the provision to also apply to certain actions brought in the Court of Claims, (3) expanding the persons or entities that are specifically listed as being entitled to claims against the judgment, settlement, or consent judgment, (4) providing a 90-day escrow period during which the court must hold the judgment to accept claims against the inmate, (5) generally requiring the Attorney General to provide notice to potential claimants against a judgment, settlement, or consent judgment in favor of an inmate in actual confinement for a felony, and (6) imposing secondary notification duties relative to the judgment settlement, or consent judgment, in specified circumstances, upon the state Department of Human Services and the clerk of the Court of Claims.
- Modifies certain provisions of the Crime Victims Reparations Law, the law governing the content of criminal sentences, and the law governing the provision to specified persons of copies of criminal sentences, to conform them to, and facilitate the use of, the provisions described in the preceding paragraph.
- Expands an existing provision relative to Department of Rehabilitation and Correction deductions from a prisoner's account to satisfy judgments against the prisoner to also apply in relation to satisfaction of the costs of prosecution of the prisoner for a felony.

TABLE OF CONTENTS

Deduction of certain amounts from civil recoveries of inmates	2
Existing law.....	2
Operation of the bill	3
Crime Victims Reparations Law--finding of fact and recommendation by the AG	8
Existing law.....	8
Operation of the bill	10
Crime Victims Reparations Law--expansion of content of reparations award.....	11
Crime Victims Reparations Law--subrogation	11
Existing law.....	11
Operation of the bill	12
Criminal sentence--notice of application of bill	13
Operation of the bill	13
Delivery of copy of sentence to the Department of Rehabilitation and Correction and the prosecutor	13
Existing law.....	13
Operation of the bill	14
DRC deductions from a prisoner account	14
Existing law.....	14
Operation of the bill	15

CONTENT AND OPERATION

Deduction of certain amounts from civil recoveries of inmates

Existing law

Existing law provides that, if an "inmate" (see below) commences a "civil action or appeal against a government entity or employee" (see below) and is granted a judgment for damages in the civil action or appeal, the court is required to order that the following be deducted and paid from the award on a *pro rata* basis before any payment is made to the inmate or the inmate's counsel (R.C. 2969.27): (1) any fine, court costs, or court-ordered restitution imposed upon the inmate for an offense for which the inmate is confined or for any previous offense committed by the inmate, (2) the amount of an award of reparations made under the Crime Victims Reparations Law (R.C. 2743.51 to 2743.71) to a victim of the inmate relative to the offense for which the inmate is confined or any previous offense committed by the inmate, or (3) any other award ordered by a court against the inmate in any other criminal or civil action or proceeding in any court in Ohio.

Existing law defines the following terms for purposes of the provisions described in the preceding paragraph (R.C. 2969.21):

(1) "Civil action or appeal against a government entity or employee" means any of the following: (a) a civil action that an inmate commences against the state, a political subdivision, or an employee of the state or a political subdivision in a court of common pleas, court of appeals, county court, or municipal court or in the supreme court, or (b) an appeal of the judgment or order in a civil action of the type described in clause (a) that an inmate files in a court of appeals or in the supreme court. "Civil action or appeal against a governmental entity or employee" does not include any civil action that an inmate commences against the state, a political subdivision, or an employee of the state or a political subdivision in the court of claims, or an appeal of the judgment or order entered by the court of claims in a civil action of that nature, that an inmate files in a court of appeals or the supreme court.

(2) "Employee" means an officer or employee of the state or of a political subdivision who is acting under color of state law.

(3) "Inmate" means a person who is in actual confinement in a state correctional institution or in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse or a releasee who is serving a sanction in a violation sanction center.

(4) "Political subdivision" means a county, township, city, or village; the office of an elected officer of a county, township, city, or village; or a department, board, office, commission, agency, institution, or other instrumentality of a county, township, city, or village.

Operation of the bill

In general. The bill modifies the above-described provisions to also apply in relation to judgments rendered in certain actions in the Court of Claims and in relation to settlements or consent judgments for damages in actions in any of the specified courts, expands the types of deductions that must be made from the judgment, settlement, or consent judgment entered on behalf of an inmate, and enacts procedures for the escrowing of the judgment, settlement, or consent judgment and for the collection of the amounts deducted.

Escrowing, deduction, and payment of specified amounts. Under the bill, if an inmate commences a civil action or appeal against a government entity or employee and is granted a judgment for damages or enters into a settlement or consent judgment for damages in the civil action or appeal, or if an inmate who is

in actual confinement for a felony commences a civil action against the state or an employee of the state in the Court of Claims or files an appeal of the judgment or order issued in a civil action commenced in the Court of Claims in a court of appeals or the Supreme Court and is granted a judgment for damages or enters into a settlement or consent judgment for damages in the civil action or appeal, the court that grants the judgment or in which the settlement or consent judgment is entered is required to do all of the following (R.C. 2969.27(A)):

(1) Hold the judgment, settlement, or consent judgment in escrow for 90 days after the date of receipt of the judgment, settlement, or consent judgment, in an interest-bearing account, for the purpose of determining whether any person or entity has a claim against the judgment, settlement, or consent judgment that is to be deducted from the judgment, settlement, or consent judgment pursuant to the provision described in the next paragraph;

(2) Upon the expiration of the 90-day escrow period described in the preceding paragraph, order that all of the following for which valid evidence is provided to the court prior to the expiration of that 90-day period be deducted and paid from the award of damages in the judgment, settlement, or consent judgment on a *pro rata* basis before any payment is made to the inmate or the inmate's counsel: (a) any fine, court costs, court-ordered restitution, or court-ordered costs of investigation and prosecution imposed upon the inmate for an offense for which the inmate is in actual confinement or for any previous offense of which the inmate was convicted or to which the inmate pleaded guilty, (b) the amount of an award of reparations made under the Crime Victims Reparations Law to a victim of the inmate relative to the offense for which the inmate is in actual confinement or any previous offense of which the inmate was convicted or to which the inmate pleaded guilty, (c) the amount of any judgment, settlement, or consent judgment obtained against the inmate by a "victim" (see below) of an offense for which the inmate is in actual confinement or any previous offense committed by the inmate, and interest on the judgment, settlement, or consent judgment calculated in accordance with the existing Judgment Interest Laws, (d) the amount of any overdue payment under a support order, as defined in the existing Support Enforcement Law, that the inmate owes as an obligor, and (e) any other award ordered by a court against the inmate in any other criminal or civil action or proceeding in any court in Ohio.

(3) After compliance with the provisions described above in paragraphs (1) and (2), pay the remaining amount of the award of damages in the judgment, settlement, or consent judgment, plus the interest accrued during the 90-day escrow period described above in paragraph (1), to the inmate.

AG notification to certain persons and entities regarding an inmate felon's judgment, settlement, or consent judgment, and the escrow and deduction procedure. The bill specifies that, if an inmate who is in actual confinement for a felony is granted a judgment for damages or enters into a settlement or consent judgment for damages in a civil action or appeal as described above, as soon as possible after the granting of the judgment or entry into the settlement or consent judgment, the Attorney General (the AG) must make a reasonable, good faith effort to identify and notify all of the following that the inmate has been granted or awarded the judgment, settlement, or consent judgment, that it will be held in escrow for 90 days as described above in paragraph (1) of "**Existing law**," and that the victim, person, or entity who is provided the notice, or another person to whom that victim, person, or entity is required to provide notice as described below, may obtain payment out of the judgment, settlement, or consent judgment for any item, claim, or amount described above in paragraph (2) of "**Existing law**" to which the victim, person, or entity is entitled (R.C. 2969.27(B)(1)):

- (1) All victims of the felony for which the inmate is in actual confinement;
- (2) The clerk of the court in which the inmate was convicted of or pleaded guilty to the felony for which the inmate is in actual confinement;
- (3) The office of the prosecutor who prosecuted the case that included the felony for which the inmate is in actual confinement;
- (4) The Division of Child Support of the state Department of Human Services;
- (5) The clerk of the Court of Claims;
- (6) The section of the office of the AG that performs the duties and functions specified for the AG under the Crime Victims Reparations Law;
- (7) Any other person or entity of which the AG is aware and that may be entitled to a payment of a type described above in paragraph (2) of "**Existing law**" that pertains to the felony for which the inmate is in actual confinement.

Content of AG notification to the specified persons and entities. The notification described above regarding an inmate who is in actual confinement for a felony and who is granted or enters into the specified type of judgment, settlement, or consent judgment must set forth all of the following information (R.C. 2969.27(B)(2)):

(1) The name of the inmate who was granted or entered into the judgment, settlement, or consent judgment, any aliases by which the inmate was or is known, and any other personal identification information known for the inmate;

(2) The county and, if applicable, the municipal corporation in which the inmate resided at the time of the commission of the felony for which the inmate is in actual confinement;

(3) The name, date of commission, and date and court of conviction of, and the sentence imposed for, the felony for which the inmate is in actual confinement;

(4) The name and address of the court in which the inmate was granted or entered into the judgment, settlement, or consent judgment;

(5) The amount of the judgment, settlement, or consent judgment, the date on which it was granted or entered into, and the date on which the 90-day escrow period described above will terminate;

(6) The name and address of, and a telephone number for, the person at the court described in paragraph (4) whom the recipient of the notice must contact to assert a right to receive payment out of the inmate's judgment, settlement, or consent judgment for any item, claim, or amount described above in paragraph (2) of "Existing law";

(7) A summary of the provisions of the bill pertaining to the escrowing, deduction, and payment of the amount of a judgment, settlement, or consent judgment granted to or entered into by an inmate.

AG immunity. The bill provides that, if the AG makes a reasonable, good faith effort to provide the notifications required under the provisions of the bill described above but is unable to provide the notification to a particular victim, person, or entity to whom it should be provided, the AG is not liable for any injury, death, or loss to person or property suffered, as a result of the failure, by the victim, person, or entity to whom the notification is not provided or for any amount that, because of the failure, the victim, person, or entity to whom notification is not provided is unable to collect in satisfaction of the item, claim, or amount (R.C. 2969.27(B)(3)).

Division of Child Support notification to child support enforcement agencies. Upon receipt of a notification from the AG, as described above, the Division of Child Support of the state Department of Human Services must review the index of support orders that it is required to maintain under existing R.C. 5101.311 to determine if an entry had been made in the name of the subject

inmate. If the Division, upon conducting its review determines that an entry in the name of the subject inmate is included in the index, it immediately must contact the child support enforcement agency (CSEA) that provided the Division with the information regarding that inmate that is included in the index or, if the information regarding that inmate that is included in the index was provided by a court, the CSEA serving the county in which that court is located and notify the CSEA that the inmate has been granted or has entered into the judgment, settlement, or consent judgment. The notification provided by the Division shall contain all of the information required to be in the AG notification, as described above. Upon receipt of a notification from the Division, a CSEA must review its records maintained under the Support Enforcement Law to determine whether the subject inmate is in default as an obligor under a support order. If the CSEA determines that the subject inmate is in default as an obligor under any such order, the CSEA, in addition to complying with a specified provision of the Support Enforcement Law and in addition to taking any other action required or authorized by law, may request payment for the overdue support in accordance with the above-described provision of the bill out of the judgment, settlement, or consent judgment granted to or entered into by the subject inmate. (R.C. 2969.27(B)(4)(a).)

Court of Claims review of records. Upon receipt of a notification from the AG, as described above, the clerk of the Court of Claims is required to review all available records to determine whether an award of reparations under the Crime Victims Reparations Law has been made in relation to the felony for which the subject inmate is in actual confinement or for any previous offense of which the inmate was convicted or to which the inmate pleaded guilty. If the clerk determines that an award has been so made, the clerk must notify the AG, and the AG, in addition to taking any other action required or authorized by law, may recover from the subject inmate in accordance with a specified subrogation provision of the Crime Victims Reparations Law (see "**Crime Victims Reparations Law--subrogation**," below) may request payment of the amount of the award in accordance with the above-described provision of the bill out of the judgment, settlement, or consent judgment granted to or entered into by the subject inmate, or, in appropriate circumstances, may recover part of the award in accordance with another specified subrogation provision of that Law (see "**Crime Victims Reparations Law--subrogation**," below). (R.C. 2969.27(B)(4)(b).)

Definition of victim. The bill defines "victim," for purposes of the above-described provisions, as a person who suffers personal injury, death, or property loss as a result of any of the following, or the beneficiaries of an action for the wrongful death of any person killed as a result of any of the following: (1) an offense for which an inmate is in actual confinement or any previous offense

committed by an inmate, (2) the good faith effort of a person to prevent an offense for which an inmate is in actual confinement or any previous offense committed by an inmate, or (3) the good faith effort of a person to apprehend an inmate for an offense for which the inmate is in actual confinement or any previous offense committed by the inmate (R.C. 2969.21(J)).

Crime Victims Reparations Law--finding of fact and recommendation by the AG

Existing law

Generally. The existing Crime Victims Reparations Law provides that, upon receipt of an application for an award of reparations from the clerk of the Court of Claims, the AG must fully investigate the claim, regardless of whether any person is prosecuted for or convicted of committing the criminally injurious conduct alleged in the application and, after completing the investigation, must make a *written finding of fact and recommendation* (see below) concerning an award of reparations. The AG is required to file the finding of fact and recommendation and all information or documents used in the investigation with the clerk of the Court of Claims. The AG may require the claimant to supplement the application for an award of reparations with any further information or documentary materials, including any medical report readily available, that may lead to any relevant facts in the determination of whether, and the extent to which, the claimant qualifies for an award of reparations.

The Attorney General may depose any witness, including the claimant. In accordance with specified procedures, the AG may issue subpoenas and subpoenas duces tecum to compel any person or entity, including any collateral source, that provided, will provide, or would have provided to the victim any income, benefit, advantage, product, service, or accommodation, including any medical care or other income, benefit, advantage, product, service, or accommodation that might qualify as an allowable expense or a funeral expense, to produce materials to the AG that are relevant to the income, benefit, advantage, product, service, or accommodation that was, will be, or would have been so provided and to the AG's determination.

The AG must make the required recommendation in accordance with the Crime Victims Reparations Law and within 120 days after receiving the claim application from the clerk of the Court of Claims. The AG may file a motion for an extension of the 120-day time limit, in accordance with specified procedures, and a Court of Claims commissioner, upon a showing of good cause, may grant the extension. Within 21 days after the AG files the required finding and recommendation concerning an award of reparations, any person may file with the clerk of the Court of Claims any information that is relevant to the granting or

denial of the award that the person reasonably believes was not before or considered by the AG in making the finding and recommendation. If a Court of Claims commissioner considers the information relevant, a copy of the information filed must be served upon the claimant and the AG; the claimant and the AG may respond in writing at any time within ten days after receiving a copy of the information. (R.C. 2743.59(A), (B), (E), and (F).)

Content of finding of fact. The finding of fact that the AG is required to issue must contain all of the following (R.C. 2743.59(C)):

(1) Whether the criminally injurious conduct that is the basis for the application did occur, the date on which it occurred, and its exact nature;

(2) Whether the criminally injurious conduct was reported to a law enforcement officer or agency, the date on which it was reported, the name of the person who reported it, and the reasons why it was not reported to a law enforcement officer or agency or was not reported to a law enforcement officer or agency within 72 hours after it occurred;

(3) The exact nature of the injuries that the victim sustained as a result of the criminally injurious conduct;

(4) A specific list of the economic loss sustained as a result of the criminally injurious conduct by the victim, the claimant, or a dependent;

(5) A specific list of any benefits or advantages that the victim, the claimant, or a dependent has received or is entitled to receive from any collateral source for economic loss that resulted from the conduct and whether a collateral source would have reimbursed the claimant for a particular expense if a timely claim had been made, and the extent to which the expenses likely would have been reimbursed by the collateral source;

(6) A description of any evidence in support of contributory misconduct by the claimant or by the victim through whom the claimant claims an award of reparations, whether the victim has been convicted of a felony or has a record of felony arrests under the laws of Ohio, another state, or the United States, and whether there is evidence that the victim engaged in an ongoing course of criminal conduct within five years or less of the criminally injurious conduct that is the subject of the claim;

(7) Whether an assignment has been filed pursuant to existing R.C. 2743.66(E);

(8) Whether the victim of the criminally injurious conduct was a minor;

(9) If the victim of the criminally injurious conduct was a minor, whether a complaint, indictment, or information was filed against the alleged offender and, if such a filing occurred, its date;

(10) Any information that is relevant to the claim for an award of reparations.

Content of recommendation. The recommendation the AG is required to issue must contain all of the following (R.C. 2743.59(D)):

(1) A statement as to whether an award of reparations should be made, whether payments made pursuant to the award should be made to the claimant, to an assignee, or jointly to the claimant and an assignee, and the amount of the payments that should be made to the claimant, the assignee, and to the claimant and assignee;

(2) A statement as to whether any of the payments made pursuant to the award should be paid in a lump sum or in installments;

(3) If the AG recommends that an award not be made to the claimant, the reasons for that decision.

Operation of the bill

The bill expands the information that must be included in the AG's findings of fact and recommendation as follows:

(1) It specifies that, in addition to the information currently required, the AG's findings of fact also must contain the identity of the person or persons who committed or were responsible for the criminally injurious conduct that is the basis for the application, and whether those persons were convicted of or pleaded guilty to a felony in relation to that conduct (R.C. 2743.59(C)(1)).

(2) It specifies that, in addition to the information currently required, the AG's recommendation also must contain a statement as to the identity of the person or persons the AG believes should be named in the court order making the award of reparations as being the person or persons who committed or were responsible for the criminally injurious conduct that is the basis of the award, and as to whether those persons were convicted of or pleaded guilty to a felony in relation to that conduct (R.C. 2743.59(D)(3)).

Crime Victims Reparations Law--expansion of content of reparations award

The bill enacts a provision that specifies that, if an award of reparations is made under the Crime Victims Reparations Law, the award, in addition to any other term, condition, or provision required or authorized by law, must include a statement that is based upon the recommendation made by the AG (see "**Crime Victims Reparations Law--finding of fact and recommendation by the AG,**" above) and that identifies the person or persons who committed or were responsible for the criminally injurious conduct that is the basis of the award and whether those persons were convicted of or pleaded guilty to a felony in relation to that conduct (R.C. 2743.601).

Crime Victims Reparations Law--subrogation

Existing law

Existing law provides that, if an award of reparations is made under the Crime Victims Reparations Law, the state, upon the payment of the award or a part of the award, is subrogated to all of the claimant's rights to receive or recover benefits or advantages for economic loss for which an award of reparations was made from a source that is a collateral source or would be a collateral source if it were readily available to the victim or claimant. The claimant may sue the offender for any damages or injuries caused by the offender's criminally injurious conduct and not compensated for by an award of reparations and may join with the AG as co-plaintiff in any action against the offender.

If payment is made to an assignee pursuant to an existing provision of the Crime Victims Reparations Law that governs assignments of awards (R.C. 2743.66--not in the bill) as a result of the payment of an award of reparations, the state is subrogated to all of the assignee's rights to receive or recover benefits or advantages for funeral expense or allowable expenses for which a reparations payment was made, from a source that is a collateral source or would be a collateral source if it were readily available to the victim, claimant, or assignee.

If an award of reparations is made to a claimant and if it is discovered that the claimant actually was not eligible for the award or that the award otherwise should not have been made under the standards and criteria set forth in the Crime Victims Reparations Law, the AG is entitled to recover the award from the claimant. To recover the award, the AG may file a finding of fact and recommendation against the claimant with a Court of Claims commissioner. If, after filing the finding of fact and recommendation, the AG proves that the claimant actually was not eligible for the award or that the award otherwise should not have been made under the standards and criteria set forth in that Law, the

Court of Claims must enter an order against the claimant that requires the claimant to repay the award to the state.

If an award of reparations is made to a claimant, and if the claimant receives compensation from any other person or entity, including a collateral source, for an expense that is included within the award, the AG is entitled to recover from the claimant the part of the award that represents the expense for which the claimant received the compensation from the other person or entity. To recover that part of the award, the AG may file a finding of fact and recommendation against the claimant with a court of claims commissioner. If, after filing the finding of fact and recommendation, the AG proves that the claimant received compensation from any other person or entity, including a collateral source, for an expense that was included within the award, the Court of Claims must enter an order against the claimant that requires the claimant to repay to the state the part of the award that represents the expense for which the claimant received the compensation from the other person or entity.

All moneys that are collected by the state pursuant to its rights of subrogation or pursuant to the AG's authority to recover some or all of an award of reparations that is granted pursuant to the above-described provisions must be deposited in the Reparations Fund. (R.C. 2743.72.)

Operation of the bill

The bill expands the existing subrogation provisions of the Crime Victims Reparations Law to also provide that, if any person who is named in an award of reparations as being the offender who committed or was responsible for the criminally injurious conduct upon which the award was based is convicted of or pleads guilty to a felony for committing that conduct and subsequently is granted a judgment for damages while an inmate in actual confinement under the sentence imposed for that felony, in circumstances that are described above in "**Deduction of certain amounts from civil recoveries of inmates**," the AG, in addition to any manner of recovering under the right of subrogation described under existing law, may recover under that right of subrogation by filing a certified copy of the award of reparations with the court that granted the judgment, within the 90-day period specified above in "**Deduction of certain amounts from civil recoveries of inmates**," and by obtaining payment in accordance with that section. (R.C. 2743.72(A).)

Criminal sentence--notice of application of bill

Operation of the bill

The bill specifies, in the Criminal Sentencing Law, that, if a court that imposes sentence on an offender convicted of a felony imposes a prison term or a community residential sanction on the offender or if a court that imposes sentence on an offender convicted of a misdemeanor imposes a term of imprisonment on the offender, the court must include in the offender's sentence a statement that the offender is subject to the provisions of the bill described above in "**Deduction of certain amounts from civil recoveries of inmates**" and a summary of those provisions (R.C. 2929.19(B)(7) and 2929.21(J)).

Delivery of copy of sentence to the Department of Rehabilitation and Correction and the prosecutor

Existing law

Existing law specifies that, in all criminal cases, including those involving municipal ordinance violations, the judge or magistrate must include in the sentence the costs of prosecution and render a judgment against the defendant for those costs. If a jury was sworn in the case, the jurors fees must be included in the costs, which must be paid to the public treasury from which the jurors were paid. (R.C. 2947.23.)

Existing law provides that, unless the execution of sentence is suspended, a convicted felon who is sentenced to serve a term of imprisonment in a state correctional institution must be conveyed, within five days after sentencing, excluding Saturdays, Sundays, and legal holidays, by the sheriff of the county in which the conviction was had to the facility that is designated by the Department of Rehabilitation and Correction (DRC) for the reception of convicted felons. The sheriff must deliver the convicted felon into the custody of the managing officer of the reception facility and, at that time, must present the managing officer with a copy of the convicted felon's sentence that clearly describes each offense for which the felon was sentenced to a correctional institution, designates each section of the Revised Code that the felon violated and that resulted in the felon's conviction and sentence to a correctional institution, designates the sentence imposed for each offense for which the felon was sentenced to a correctional institution, and specifies the total number of days, if any, that the felon was confined for any reason prior to conviction and sentence. The sheriff, at that time, also must present the managing officer with a copy of the indictment. The clerk of the court of common pleas must furnish the copies of the sentence and indictment.

If the execution of the felon's sentence is suspended, and the judgment thereafter affirmed, the felon must be conveyed, in the same manner as if the execution of the felon's sentence had not been suspended, to the reception facility as soon as practicable after the judge directs the execution of sentence. The trial judge or other judge of the court, in the judge's discretion and for good cause shown, may extend the time of the conveyance. (R.C. 2949.12.)

Operation of the bill

The bill specifies that, if an offender is convicted of or pleads guilty to a felony, and regardless of whether the offender is sentenced to serve a prison term or term of imprisonment in a state correctional institution, a certified copy of the offender's sentence, including the cost statement required under existing law, must be provided to DRC and to the prosecutor who prosecuted the case resulting in the conviction or guilty plea. If the offender is sentenced to serve a prison term or term of imprisonment in a state correctional institution, the certified copy of the sentence shall be provided to DRC by presenting it, in accordance with the existing provisions governing conveyance of a convicted felon to DRC, to the managing officer of the facility that is designated by DRC for the reception of convicted felons. The prosecutor, in addition to taking any other action required or authorized by law to collect the costs of prosecution specified in the sentence, may request payment of the costs in accordance with the provisions described below in "**DRC deductions from a prisoner account**," if applicable. If the prosecutor is notified by the AG under the provisions of the bill described above in "**Deduction of certain amounts from civil recoveries of inmates**" that the offender is an inmate in a state correctional institution who has been granted a judgment of a type described in those provisions, the prosecutor, in addition to taking any other action required or authorized by law to collect the specified costs of prosecution, may request payment of the cost in accordance with the provisions of the bill described above in "**Deduction of certain amounts from civil recoveries of inmates**" out of the judgment granted to the inmate. (R.C. 2947.23 and 2949.12.)

DRC deductions from a prisoner account

Existing law

Existing law provides that DRC, upon receipt of a certified copy of the judgment of a court of record in an action in which a prisoner was a party that orders a prisoner to pay a stated obligation, may apply toward payment of the obligation money that belongs to a prisoner and that is in the account that DRC keeps for the prisoner. DRC may transmit the prisoner's funds directly to the court for disbursement or may make payment in another manner as directed by the court. Except as provided in rules DRC adopts (see below), when an amount is received

for the prisoner's account, DRC must use it for the payment of the obligation and must continue using amounts received for the account until the full amount of the obligation has been paid. No proceedings in aid of execution are necessary for DRC to take the action required by this provision.

DRC may adopt rules specifying a portion of an inmate's earnings or other receipts that the inmate is allowed to retain to make purchases from the commissary and that may not be used to satisfy an obligation pursuant to the provisions described in the preceding paragraph. The rules cannot permit the application or disbursement of funds belonging to an inmate if those funds are exempt from execution, garnishment, attachment, or sale to satisfy a judgment or order pursuant to existing R.C. 2329.66 or to any other provision of law. (R.C. 5120.133.)

Operation of the bill

The bill expands the above-described provisions of existing law to also permit DRC to deduct from a prisoner's account any costs specified in a certified copy of the prisoner's sentence that DRC receives pursuant to the provisions described above in "**Delivery of copy of sentence to the Department of Rehabilitation and Correction and the prosecutor.**" All of the criteria and limitations that are contained in existing law relative to a deduction from a prisoner's account also apply in relation to the costs covered in the expansion proposed by the bill. (R.C. 5120.133.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-99	p. 27

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