



H.B. 40

124th General Assembly
(As Introduced)

Reps. Sulzer, DePiero, Hartnett, Aslanides, Ford, R. Miller, Flowers, Allen, Jerse, Barrett, Ogg

BILL SUMMARY

- Creates the Spinal Cord Injury and Head Injury Cure Research Fund to promote research to develop spinal cord injury and head injury cures and to promote public awareness of the difficulties of persons suffering a spinal cord injury or a head injury, and requires the Department of Health to administer the Fund.
- Creates the Spinal Cord Injury and Head 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 or a head 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 a violation of a motor vehicle law or ordinance to impose \$1 as additional court costs to be deposited into the Fund.
- Requires the addition of \$1 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 \$1 court costs or bail.

CONTENT AND OPERATION

Spinal Cord Injury and Head Injury Cure Research Fund and Committee

The bill creates the Spinal Cord Injury and Head Injury Cure Research Fund in the State Treasury. The Treasurer of State is required to deposit into the Fund all money transmitted under the bill (see below) and all money otherwise appropriated to the Fund by the General Assembly. Any interest earned on the money in the Fund must be credited to the Fund. The Fund must be used to promote research to develop a cure for spinal cord injuries and head injuries and to promote public awareness of the difficulties encountered by persons who have suffered a spinal cord injury or a head 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 and Head 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 to the Director of Health expenditures from the Spinal Cord Injury and Head Injury Cure Research Fund and activities that serve a public purpose on behalf of persons who have suffered a spinal cord injury or a head injury. The Department may hold or sponsor those activities. (R.C. 2949.093(E).)

The bill provides that the Sunset Review Law (see **COMMENT 1**) does not apply to the 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 \$1 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 \$1 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 a state law pertaining to motor vehicles or a substantially equivalent ordinance to impose the sum of \$1 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 \$1

court costs in all such cases unless the court determines that a juvenile is indigent and waives the payment of all court costs or 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 \$1 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 and Head 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 \$1 required to be paid as described above. The clerk of the court must retain the \$1 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 \$1 to the State Treasurer who must deposit it into the Spinal Cord Injury and Head 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 \$1 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 \$1 court costs or bail (R.C. 2949.093(C)).

COMMENT

1. Under existing law, agencies generally sunset four years after their creation unless they are renewed by legislation.

2. R.C. 4511.21(A) and (D) prohibit 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. That section also 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), not in the bill).

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), not in the bill).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-31-01	p. 100

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