



Dennis M. Papp

Bill Analysis
Legislative Service Commission

Am. H.B. 271
124th General Assembly
(As Passed by the House)

Reps. Stapleton, Carey, Hagan, Kearns, Schaffer, Carmichael, Latta, Schmidt, Fessler, Sullivan, Distel, Allen, Redfern, Womer Benjamin, Willamowski, Seitz, Faber, Hoops, R. Miller, Flowers, Salerno, Lendrum, Schneider, Metzger, Setzer, Calvert, Coates, Niehaus, G. Smith, Hughes, Gilb, Wilson, Otterman, Patton, Latell, Cirelli, DeBose, Key, Hartnett, Barrett, Roman, D. Miller, Sferra, Webster, Manning

BILL SUMMARY

- Requires the judge or magistrate, at the time of sentencing a person for any criminal offense, to notify the defendant that, if the defendant fails to pay a judgment rendered against the defendant for the costs of prosecution in the criminal action or to timely make payments toward that judgment, the court may order the defendant to perform community service not exceeding 40 hours per month until the judgment is paid or the defendant is in compliance with an approved payment schedule.
- Requires a judge or magistrate who has reason to believe that an offender has failed to pay a judgment or timely make payments as described in the preceding dot point to hold a hearing to determine whether to order the offender to perform community service for the failure to pay the judgment or to timely make the payments.
- Permits a judge or magistrate who holds a hearing as described in the preceding dot point to impose community service not exceeding 40 hours per month upon an offender who fails to pay a judgment for the costs of prosecution in a criminal action or fails to make payments toward that judgment under an approved payment schedule.

CONTENT AND OPERATION

Judgment for costs and jury fees

Existing law

Existing law requires the judge or magistrate in all criminal cases, including violations of ordinances, to include in the sentence the costs of prosecution and to render a judgment against the offender for those costs. If a jury has been sworn at the trial of a case, the fees of the jurors must be included in the costs, which must be paid to the public treasury from which the jurors were paid. (R.C. 2947.23.)

Operation of the bill

Under the bill, at the time of sentencing, the judge or magistrate must notify the defendant that, if the defendant fails to pay a judgment for criminal costs rendered under the existing provision or fails to timely make payments towards that judgment under a payment schedule approved by the court, the court may order the defendant to perform community service. The judge or magistrate may order an amount of community service of not more than 40 hours per month until the judgment is paid or until the court is satisfied that the defendant is in compliance with the payment schedule.

The bill provides that, if a judge or magistrate has reason to believe that a defendant has failed to pay a judgment for criminal costs rendered under the existing provision or has failed to timely make payments towards that judgment under a payment schedule approved by the court, the judge or magistrate must hold a hearing to determine whether to order the offender to perform community service for that failure. The judge or magistrate must notify both the defendant and the prosecuting attorney of the place, time, and date of the hearing and must give each an opportunity to present evidence. If, after the hearing, the judge or magistrate determines that imposition of community service for the failure is appropriate, the judge or magistrate may order the offender to perform community service in an amount of not more than 40 hours per month until the judgment is paid or until the judge or magistrate is in compliance with the approved payment schedule.

Ordering an offender to perform community service under the provision described in the preceding paragraph does not lessen the amount of the judgment and does not preclude the state from taking any other action to execute the judgment. (R.C. 2947.23.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-23-01	p. 454
Reported, H. Criminal Justice	04-24-02	pp. 1716-1717
Passed House (96-0)	05-15-02	pp. 1768-1769

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