



H.B. 395

124th General Assembly
(As Introduced)

Reps. Hughes, Lendrum, Reidelbach, Schmidt, Seitz, Fedor

BILL SUMMARY

- Makes confidential any record containing the name or telephone number of a person, or containing any other information that identifies a person, who provides anonymous information to a citizens' reward program, protects such a record from subpoena in any civil or criminal court action, and provides that such a record is not a public record for purposes of the Public Records Law.
- Authorizes a recognized citizens' reward program to enter into a written "agreement of affiliation" with a board of county commissioners in the county in which the program operates.
- Requires an "agreement of affiliation" to do all of the following: (1) specify the relationship between the citizens' reward program, the county, and law enforcement agencies in the county, (2) specify that the citizens' reward program must account annually to the board of county commissioners for all funds raised by the organization from all sources and all funds expended by the organization for any purpose, (3) allow the citizens' reward program to identify the sources of funds raised generically rather than by name, and (4) prohibit the citizens' reward program from divulging the amounts of individual rewards paid and the identity of any person to whom a reward was paid.
- As long as the agreement of affiliation remains in effect, generally requires courts to impose the sum of \$1 as costs in any case in which a person is convicted of or pleads guilty to any offense other than a traffic offense that is not a moving violation and if the person posts bail requires the court to add the \$1 to the amount of the bail.

- Requires the clerk of the court to transmit all such moneys collected during a month on or before the 20th day of the following month to the affiliated citizens' reward program.
- Prohibits a person from being placed or held in a detention facility for failing to pay the additional \$1 court costs or bail that are required to be paid under the bill.
- Authorizes a citizens' reward program receiving funds pursuant to the bill's provisions to use the funds to offer and pay rewards to citizens for volunteering tips and information to law enforcement agencies concerning felonies, offenses of violence, or misdemeanors that have been committed.

CONTENT AND OPERATION

A "citizens' reward program" is any organization that satisfies all of the following criteria (R.C. 9.92(A)(2)): (1) it is a nonprofit organization, (2) it is organized and operated exclusively to offer and pay rewards to citizens for volunteering tips and information to law enforcement agencies concerning felonies, offenses of violence, or misdemeanors that have been committed, and (3) it has established a reward fund to be used solely for the payment of rewards of that type.

Testimonial privilege

Under the bill, any record containing the name or telephone number of a person, or containing any other information that identifies a person, who provides anonymous information to a citizens' reward program is confidential information, is not subject to subpoena in any civil or criminal court action, and is not a public record for purposes of the Public Records Law. The bill also prohibits a court from subpoenaing any person who gives anonymous information to a citizens' reward program to testify in any civil or criminal court proceeding. (R.C. 9.23.)

Additional source of funding

Existing law

Under existing law, a citizens' reward program may apply to the board of county commissioners of any county or counties in which it operates for recognition as the official reward program for that county or counties. Upon receipt of the application, the board of county commissioners must determine if it is in proper order and the information it contains is correct. If the application

meets these criteria, the board, by resolution, may officially recognize the program. Recognition of a program by a county qualifies the program for funding of its reward fund from the proceeds from the sale of certain property held by a law enforcement agency. These funds must be used exclusively for the payment of rewards; no part of those funds may be used to pay for the administrative expenses or any other expenses associated with a citizens' reward program. A board of county commissioners that recognizes a citizens' reward program must require the program to provide the board with an accounting of all funds the program receives or disburses subsequent to its recognition in order to maintain recognition. (R.C. 9.92(B) and (C) and 2933.41(E)(2).)

Operation of the bill

The bill provides an additional source of funding for citizens' reward programs. Any recognized citizens' reward program may enter into a written agreement of affiliation with a board of county commissioners in the county in which the program operates. These agreements of affiliation are to be valid for two years and may be renewed. The agreements must do all of the following: (1) specify the relationship between the citizens' reward program, the county, and law enforcement agencies in the county, (2) specify that the citizens' reward program must account annually to the board of county commissioners for all funds raised by the organization from all sources and all funds expended by the organization for any purpose, (3) allow the citizens' reward program to identify the sources of funds raised generically rather than by name, and (4) prohibit the citizens' reward program from divulging the amounts of individual rewards paid and the identity of any person to whom a reward was paid. (R.C. 9.92(D)(1).)

In every county in which the board of county commissioners approves an agreement of affiliation, the board must notify the clerks of courts within the county of that agreement and of the duty to collect the additional court costs and bail described below. If a board of county commissioners enters into an agreement of affiliation with a citizens' reward program, a court of that county must impose the sum of \$1 as costs in any case in which a person is convicted of or pleads guilty to any offense other than a traffic offense that is not a moving violation. This \$1 additional court costs is in addition to any other court costs that the court is required by law to impose upon the offender and must be imposed by the court as long as the agreement of affiliation remains in effect. The court is prohibited from waiving the payment of the additional \$1 court costs, unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender. The clerk of the court must transmit all such moneys collected during a month on or before the 20th day of the following month to the affiliated citizens' reward program. (R.C. 9.92(C)(1) and (D)(2).)

Also, whenever a person is charged with any offense other than a traffic offense that is not a moving violation and posts bail, a court of that county must add to the amount of the bail the \$1 required to be paid under the provision described in the preceding paragraph. The court must add the \$1 to the bail as long as the agreement of affiliation remains in effect. The clerk of the court must retain the \$1 collected 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 on or before the 20th day of the month following the month in which the person was convicted, pleaded guilty, or forfeited bail to the affiliated citizens' reward program. If the person is found not guilty or the charges are dismissed, the clerk must return the \$1 to the person. The bill prohibits a person from being placed or held in a detention facility for failing to pay the additional \$1 court costs or bail that are required to be paid under the bill. (R.C. 9.92(C)(2) and (3).)

A citizens' reward program receiving funds pursuant to the bill's provisions may use the funds to offer and pay rewards to citizens for volunteering tips and information to law enforcement agencies concerning felonies, offenses of violence, or misdemeanors that have been committed (R.C. 9.92(C)(4)).

HISTORY

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