



## **Sub. H.B. 49**

125th General Assembly  
(As Passed by the General Assembly)

**Reps. Hughes, Seitz, McGregor, Husted, Seaver, J. Stewart, Brinkman, Latta, Willamowski, Oelslager, Grendell, D. Evans, Brown, Collier, Barrett, Beatty, Cates, Chandler, Cirelli, Clancy, Daniels, DePiero, Domenick, Flowers, Hagan, Harwood, Jolivette, Key, Koziura, Niehaus, S. Patton, T. Patton, Perry, Price, Raussen, Reidelbach, Schneider, Sferra, Skindell, G. Smith, D. Stewart, Ujvagi, Webster**

**Sens. Stivers, Austria, Armbruster, Robert Gardner, Harris, Mumper, Roberts, Spada**

**Effective date:** \*

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### **ACT SUMMARY**

- Authorizes a citizens' reward program recognized by a board of county commissioners under a provision of preexisting law 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 itemize the sources of funds raised without referring to the name of the source, and (4) prohibit the citizens' reward program from divulging the identity of any person to whom a reward was paid.

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

- As long as the agreement of affiliation remains in effect, generally requires municipal courts, county courts, and courts of common pleas in the county served by the board of county commissioners that entered into the agreement 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 but permits the court, in the court's discretion, to remit this additional court cost to the offender.
- Requires the clerk of each 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 that are required to be paid under the act.

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## **CONTENT AND OPERATION**

Under preexisting law, unchanged by the act, 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.

### **Additional source of funding for citizens' reward programs**

#### **Preexisting law**

Under preexisting law, unchanged by the act, 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. No more than one reward program may be recognized in any county. Recognition of a program by a county qualifies the program for funding of its reward fund from 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; the board may by resolution revoke the recognition of a program. (R.C. 9.92(B) to (D), and R.C. 2933.41(E)(2)--not in the act.)

### **Operation of the act**

The act provides an additional source of funding for recognized citizens' reward programs. Under the act, any citizens' reward program recognized as described in the preceding paragraph 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 itemize the sources of funds raised without referring to the name of the source, and (4) prohibit the citizens' reward program from divulging 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 clerk of each municipal court, county court, and court of common pleas within the county of that agreement and of the duty to collect the additional court costs imposed under the act, as described below. If a board of county commissioners enters into an agreement of affiliation with a citizens' reward program, any municipal court, county court, or court of common pleas within the 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. 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, but, in the court's discretion, the court may remit this \$1 additional court costs to the offender. The clerk of each 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).)

The act prohibits a person from being placed or held in a detention facility for failing to pay the additional \$1 court costs that are required to be paid under the act's provisions as described above (R.C. 9.92(C)(2)).



The act specifies that a citizens' reward program receiving funds pursuant to the act's provisions may use the funds for any purpose described in preexisting R.C. 9.92(A)(1)(b) or (c), which allow the program to expend 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 and which the act retains without substantive change. (R.C. 9.92(C)(3).)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-11-03	p. 140
Reported, H. Criminal Justice	06-25-03	p. 959
Passed House (99-0)	06-25-03	pp. 975-976
Reported, S. Judiciary on Criminal Justice	11-13-03	p. 1165
Passed Senate (31-0)	12-03-03	pp. 1233-1234

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