



Sub. H.B. 49

125th General Assembly
(As Passed by the House)

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BILL SUMMARY

- 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 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.
- As long as the agreement of affiliation remains in effect, generally requires municipal courts, county courts, and courts of common pleas 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 bill.

CONTENT AND OPERATION

Under existing law, unchanged by the bill, 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

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

The bill specifies that a citizens' reward program receiving funds pursuant to the bill's provisions may use the funds for any purpose described in existing 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. (R.C. 9.92(C)(3).)

COMMENT

1. As used in the bill, "detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in Ohio or another state or under the laws of the United States 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. 9.92(A)(2), by reference to existing R.C. 2921.01, not in the bill).

2. Existing law provides in certain circumstances for the assessment of additional court costs in cases in which a person is convicted of or pleads guilty to a criminal offense of a specified nature or is adjudicated a delinquent child for an act that if committed by an adult would be a criminal offense of a specified nature. The existing provisions that so provide, which are not in the bill, include:

(a) R.C. 2743.70, which provides that the court in which any person is convicted of or pleads guilty to any offense other than a traffic offense that is not a "moving violation" (see below), must impose as costs in the case, in addition to any other court costs the court is required by law to impose upon the offender, the sum of \$30 if the offense is a felony, or the sum of \$9 if the offense is a misdemeanor. The court cannot waive the payment of these court costs unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender. All such moneys collected are transmitted by the clerk of the court to the Treasurer of State and deposited in the state's Reparations Fund. (Parallel provisions exist for juvenile offenders.) The section provides that, whenever a person is charged with any offense other than a traffic offense that is not a "moving violation" and posts bail, the court must add to the amount of the bail the \$30 or \$9 required to be paid under this provision. The amount so paid with bail is retained by the clerk of the court 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 \$30 or \$9 to the Treasurer of State, who must deposit it in the Reparations Fund, and if the person is found not guilty or the charges are dismissed, the clerk must return the sum to the person. The section also specifies that no person can be placed or held in jail for failing to pay the additional \$30 or \$9 court costs or bail that are required to be paid by the section.

As used in the section, "moving violation" means any violation of any statute or ordinance, other than R.C. 4513.263 (mandatory seat belt law) or an ordinance that is substantially equivalent to that section, that regulates the operation of vehicles, streetcars, or trackless trolleys on highways or streets or that regulates size or load limitations or fitness requirements of vehicles. "Moving violation" does not include the violation of any statute or ordinance that regulates pedestrians or the parking of vehicles.

(b) R.C. 2949.091, which provides that the court in which any person is convicted of or pleads guilty to any offense other than a traffic offense that is not a "moving violation" must impose the sum of \$11 as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender. All such moneys collected are transmitted by the clerk of the court to the Treasurer

of State and deposited into the state's General Revenue Fund. The court cannot waive the payment of the additional \$11 court costs unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender. (Parallel provisions exist for juvenile offenders.) The section provides that, whenever a person is charged with any offense other than a traffic offense that is not a "moving violation" and posts bail, the court must add to the amount of the bail the \$11 required under this provision. The \$11 is retained by the clerk of the court 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 \$11 to the Treasurer of State who must deposit it into the state's General Revenue Fund, and if the person is found not guilty or the charges are dismissed, the clerk must return it to the person.

The section specifies that no person can be placed or held in a detention facility for failing to pay the additional \$11 court costs or bail that are required to be paid by the section. As used in this section, "moving violation" has the same meaning as described above in (2)(b).

3. Relevant to the bill, R.C. 2949.092 specifies that, if a person is convicted of or pleads guilty to an offense and the court specifically is required, pursuant to R.C. 2743.70 or 2949.091, as described above in (2)(a) and (b), *or pursuant to any other section of the Revised Code*, to impose a specified sum of money as costs in the case in addition to any other costs that the court is required or permitted by law to impose in the case, the court cannot waive the payment of the specified additional court costs that the section specifically requires the court to impose unless the court determines that the offender is indigent and the court waives the payment of all court costs imposed upon the offender.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-11-03	p. 140
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