



H.B. 192

125th General Assembly
(As Introduced)

Reps. Wagner, Wolpert, Redfern, Koziura, White, Schaffer, Distel

BILL SUMMARY

- Permits each county, juvenile, and municipal court, once each fiscal year, to transfer up to one-half of the surplus declared in the indigent drivers alcohol treatment fund under its respective control to the general fund of the county or municipal corporation that pays the costs of the operation of that court.

CONTENT AND OPERATION

Indigent Drivers Alcohol Treatment Fund

Current law

R.C. 4511.191(F)(2)(c) establishes the Indigent Drivers Alcohol Treatment Fund. A person whose driver's license or commercial driver's license or permit was suspended for being in physical control of a vehicle while under the influence of alcohol, a drug of abuse, or both of them or while the person's whole blood, blood serum or plasma, breath, or urine has a prohibited concentration of alcohol, for the offense of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them (state OVI), municipal OVI, or aggravated vehicular homicide, vehicular homicide, vehicular manslaughter, aggravated vehicular assault, or vehicular assault that is a felony after a finding that the person's operation of a motor vehicle is a threat to public safety and who is not otherwise subject to suspension, cancellation, or disqualification, upon the person's request for the return of the license, must pay to the Bureau of Motor Vehicles a license reinstatement fee of \$425 and provide proof of insurance. From the reinstatement fee, \$37.50 is credited to the Indigent Drivers Alcohol Treatment Fund. The moneys in the fund must be distributed by the Department of Alcohol and Drug Addiction Services to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be

established by counties and municipal corporations. The moneys can be used only to pay the cost of an alcohol and drug addiction treatment program attended by an offender or juvenile traffic offender who is ordered to attend an alcohol and drug addiction treatment program by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's attendance at the program or to pay the costs for alcohol and drug abuse assessment and treatment. Moneys in the fund that are not distributed to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund because the Director of Alcohol and Drug Addiction Services does not have the information necessary to identify the county or municipal corporation where the offender or juvenile offender was arrested may be transferred by the Director of Budget and Management to statewide treatment and prevention fund created by R.C. 4301.30, upon certification of the amount by the Director of Alcohol and Drug Addiction Services. (R.C. 4511.191(F)(2)(c).)

If a county, juvenile, or municipal court determines, in consultation with the local alcohol and drug addiction services board or the local board of alcohol, drug addiction, and mental health services, that the funds in the county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of the court are more than sufficient to satisfy the purpose for which the fund was established, the court may declare a surplus. If the court declares a surplus, it may expend the amount of the surplus in the fund for alcohol and drug abuse assessment and treatment of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply: (1) the court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged, and (2) the court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used. (R.C. 4511.191(H)(4).)

Operation of the bill

The bill permits the use of a specified amount of funds from a local indigent drivers alcohol treatment fund to be transferred to the general fund of the county or municipal corporation. Under the bill, if a county, juvenile, or municipal court determines, in consultation with the local alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services, that the funds in the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of the court are more than

sufficient to satisfy the purpose for which it was established, once during each fiscal year, the court may order the transfer of an amount not exceeding one-half of the amount of the declared surplus to the general fund of the county or municipal corporation that pays the costs of operation of that county, juvenile, or municipal court. If the court does transfer up to one-half of the surplus amount to the general fund of the county or municipal corporation that pays the costs of operation of that county, juvenile, or municipal court, the remaining amount of the surplus in the fund may be used for alcohol and drug abuse assessment and treatment of persons, as described above under "Current law." (R.C. 4511.191(F)(2)(c) and 4511.191(H)(4)(b).)

HISTORY

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