



**H.B. 483**

125th General Assembly  
(As Introduced)

**Rep. Kilbane**

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**BILL SUMMARY**

- Allows a board of county commissioners to elect to participate in a criminal justice regional information (CJRI) system, either by creating and maintaining a new system or by participating in an existing system.
- Requires a participating county to establish a criminal justice regional information fund and specifies the permissible uses of the moneys deposited into the CJRI Fund.
- Requires the board of county commissioners of a participating county to obtain revenues to fund its participation by adopting a resolution establishing an additional court cost, not exceeding \$5, that courts in the county must impose for "moving violations" that occur in that county.
- Specifies the manner in which the courts in a participating county must impose the additional court cost in adult offender and juvenile traffic offender cases, including posting of bail situations.

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**CONTENT AND OPERATION**

**Resolution to participate, condition of eligibility, and required fund**

Under the bill, a board of county commissioners may adopt a resolution in which it elects to participate in a *criminal justice regional information* (CJRI) system, either by creating and maintaining a new system or by participating in an existing system. A CJRI system is a governmental computer system that serves as a cooperative between political subdivisions in a particular region for the purpose of providing a consolidated computerized information system for criminal justice agencies in that region. (Sec. 2949.093(A) and (H)(3).)

The county's eligibility to participate in a CJRI system is contingent upon its creation of a *criminal justice regional information fund* in the county treasury. All money deposited into the CJRI Fund must be used for the purposes mentioned below. (Secs. 305.28 and 2949.093(B).)

All moneys collected as "additional court costs" (see below) by a county under the bill must be deposited into the CJRI Fund and then generally used only to pay the costs the county incurs in creating and maintaining a new CJRI system or in participating in an existing CJRI system. But, if the board determines that the moneys in the CJRI Fund are more than sufficient to satisfy one of those purposes, it may declare a surplus in the CJRI Fund and expend the surplus only to pay the costs it incurs in improving the law enforcement computer technology of local law enforcement agencies located in the county. (Sec. 2949.093(G).)

#### **Additional court cost to fund CJRI system participation**

The board of county commissioners of a county that elects to participate in a CJRI system must obtain revenues to fund its participation by adopting a resolution establishing an additional court cost, not exceeding \$5, that must be imposed for moving violations that occur in that county. A "moving violation" generally is defined as any violation of any statute or ordinance, other than the statute pertaining to use of occupant restraining devices ("seatbelts") or a substantially similar ordinance, 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; a "moving violation" does not include, however, a violation of any statute or ordinance that regulates pedestrians or the parking of vehicles. (Sec. 2949.093(C) and (H)(1).)

To all courts located in the county that adjudicate or otherwise process moving violations, the board must give a written notice of the county's election to participate in the CJRI system and of the amount of the additional court cost. Upon receipt of that notice, each of those courts must impose that amount as an additional court cost for all moving violations it adjudicates or otherwise processes, in the manner described below. (Sec. 2949.093(C).)

#### **Court imposition of the additional court cost**

##### **Adult offenders**

If a person is convicted of or pleads guilty to any moving violation in a county that has elected to participate in a CJRI system, the court involved generally must impose the court cost that the board of county commissioners established for that participation in addition to any other court costs that the court is required by law to impose upon the offender. The court is prohibited from

waiving the payment of the additional court cost, unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the offender. (Secs. 2949.092 and 2949.093(D)(1).)

### **Juvenile traffic offenders**

If a child is found to be a juvenile traffic offender for an act that is a moving violation in a county that has elected to participate in a CJRI system, the juvenile court involved generally must impose the court cost that the board established for that participation in addition to any other court costs that the court is required by law to impose upon the offender. The juvenile court is prohibited from waiving the payment of the additional court cost, unless the court determines that the juvenile traffic offender is indigent and waives the payment of all court costs imposed upon the offender. (Sec. 2949.093(D)(2).)

### **Disposition of additional court costs**

The clerk of the court in which additional court costs are collected for CJRI system participation must transmit those costs on the first business day of the month following their collection to the county treasurer. The county treasurer must deposit the money in the county's CJRI Fund. (Sec. 2949.093(D)(1) and (2).)

### **Bail situations**

If an adult is charged with a moving violation and posts bail, the court involved must add to the bail the amount of the additional court cost established by the board for CJRI system participation. The clerk of the court must retain that additional court cost until the adult is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the adult is convicted, pleads guilty, or forfeits bail, the clerk must transmit the additional court cost to the county treasurer, who must deposit it in the county's CJRI Fund. But, if the adult is found not guilty or the charges are dismissed, the clerk instead must return the additional court cost to the adult. (Sec. 2949.093(E).)

"Bail" is defined as cash, a check, a money order, a credit card, or any other form of money that is posted by or for an offender under the Criminal Code's Bail Law, Criminal Rule 46, or Traffic Rule 4 to prevent the offender from being placed or held in a detention facility (see below) (sec. 2949.093(H)(2)).

### **Prohibition**

The bill prohibits the placing or holding of a person in a detention facility for failing to pay the additional court cost for a county's participation in a CJRI system as described above or for failing to pay bail with the amount of that additional court cost as required by the bill (sec. 2949.093(F)). A "detention

facility" is defined as any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States (sec. 2921.01(F)--not in, but referred to in, the bill).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-04-04	p. 1803

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