



Ohio Legislative Service Commission

Bill Analysis

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Am. Sub. H.B. 197 129th General Assembly (As Passed by the House)

Reps. Slesnick, Fende, Letson, Murray, O'Brien, Patmon, Yuko, Blair, Combs, Johnson, Milkovich, Terhar, Batchelder

BILL SUMMARY

- Authorizes a municipal, mayor's, or county court to order community service in lieu of costs for an offender who is unable to pay costs.
- Authorizes a municipal, mayor's, or county court to order an offender to pay costs in installments if the offender will not be able to pay the costs in full when they are due.
- If a person is charged with an offense in a common pleas, municipal, mayor's, or county court and fails to appear to answer the charge or pleads guilty or is found guilty and fails to pay any fine or costs, requires the court to notify the person of the amount due, direct the person to contact the court clerk, and warn the person that a failure to respond may result in the blocking of the person's motor vehicle registration or transfer of registration.
- Authorizes a person who has received notice from a court of a balance due for unpaid fines or costs to enter into a written agreement with the court to pay the balance due in installments or to perform community service in lieu of payment and requires the agreement to include a warning that failure to comply with the agreement may result in the blocking of the person's motor vehicle registration or transfer of registration.
- If a person referred to in the preceding dot point fails to enter into or comply with an agreement described in the dot point, authorizes the court to provide the Registrar of Motor Vehicles with information relative to the person's failure to pay any fines or costs when due and prohibits the Registrar from accepting an application for registration or transfer of registration of any motor vehicle owned or

leased by the defendant until the court notifies the Registrar that the fines or costs have been paid in full.

- Requires the Registrar to prescribe forms for the notices described in the preceding dot point, authorizes the Registrar to approve the use of other forms, and authorizes the Registrar to require electronic transmission of the forms.
- Requires that municipal and county courts send certain fees and other money they collect to the treasurer of the appropriate political subdivision by the 20th day of the month following the month in which the money is collected.

CONTENT AND OPERATION

Alternatives to full payment of costs when due

The bill authorizes a municipal, mayor's, or county court to order an offender to perform community service in lieu of costs if at the time of sentencing or any time thereafter the court finds that the offender is unable to pay costs. The bill also authorizes a municipal, mayor's, or county court to order an offender to pay costs in installments according to a schedule set by the court if at the time of sentencing or any time thereafter the court finds that the offender will be unable to pay the costs in full when they are due. These provisions apply notwithstanding any other provision of the Revised Code.¹

Registration block for failure to appear or to pay fine or costs

Under the bill, if a person is charged with an offense and either fails to appear in court at the required time and place to answer the charge or pleads guilty to or is found guilty of the offense and fails within the time allowed by the court to pay any fine or costs imposed by the court, the court must send the person a notice by ordinary mail at the person's last known address stating that there is a balance due, specifying the amount of the balance due, and directing the person to contact the court clerk's office within ten days of the date of the notice. The notice must include the sentence: "WARNING: Failure to timely respond to this notice may result in the blocking of your motor vehicle registration or transfer of registration!" To avoid a block on the person's motor vehicle registration or transfer of registration, the person may enter into a written agreement with the court to pay the balance due in installments or to perform community service in lieu of payment. The agreement must include the sentence: "WARNING: Failure to comply with the payment schedule or to complete your

¹ R.C. 1901.44(A), 1905.202(A), and 1907.25(A).

community service requirement may result in the blocking of your motor vehicle registration or transfer of registration!"²

If a person either does not enter into or enters into but fails to comply with such an agreement, the court may enter information relative to the person's failure to pay the fine or costs on a form prescribed or approved by the Registrar under the bill (see below) and send the form to the Registrar of Motor Vehicles. Upon receipt of the form, the Registrar must take any measures necessary to ensure that neither the Registrar nor any deputy registrar accepts any application for the registration or transfer of registration of any motor vehicle owned or leased by the person. However, for a motor vehicle leased by the person, the Registrar may not implement this requirement until the Registrar adopts procedures for that implementation under R.C. 4503.39. The block on registration or transfer of registration remains in effect until the fine or costs are paid in full. When the fine or costs are paid in full, the court must inform the Registrar of the payment on a notice of payment form prescribed or approved by the Registrar under the bill (see below) and sending the form to the Registrar.³

The bill requires the Registrar to prescribe the forms to be used for a notice of a failure to pay fines or costs and a notice of payment of fines or costs and make them available to municipal, mayor's, county, and common pleas courts. It also authorizes the Registrar to approve the use of other forms and to require that any of the forms be transmitted to the Registrar electronically. If the Registrar requires electronic transmission, the Registrar need not give effect to any form that is not transmitted electronically.⁴

Remittance of computerization fees and other money

Existing law authorizes a municipal or county court to impose additional fees for the filing or docketing of certain actions to support computerization of the court or the court clerk's office. The court must send the additional fees to the treasurer of the appropriate political subdivision for deposit into a separate fund. The bill specifies that the court must remit the fees collected to the appropriate treasurer by the 20th day of the month following the month in which they are collected.⁵

The bill also requires that all costs, fees, fines, bail, and other money collected by a municipal or county court clerk be disbursed to the proper persons on or before the

² R.C. 1901.44(B), 1905.202(B), 1907.25(B), and 2947.09(A).

³ R.C. 1901.44(B), 1905.202(B), 1907.25(B), 2947.09(A), and 4503.39.

⁴ R.C. 1901.44(C), 1905.202(C), 1907.25(C), and 2947.09(B).

⁵ R.C. 1901.261(A)(2) and (B)(1) and 1907.261(A)(2) and (B)(1).

20th day of the month following the month in which they are collected and that all costs and fees set forth in a county court's regular fee schedule or collected by a county court judge for performing a marriage ceremony be transmitted to the county's general fund by the 20th day of the month following the month in which they are collected.⁶

HISTORY

ACTION	DATE
Introduced	04-12-11
Reported, H. Judiciary & Ethics	02-02-12
Passed House (83-10)	11-27-12

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⁶ R.C. 1901.31(F), 1907.20(C), and 1907.26.

