



# Ohio Legislative Service Commission

## Bill Analysis

David M. Gold

### H.B. 247

129th General Assembly  
(As Introduced)

**Reps.** Butler, R. Adams, Grossman, Henne, Huffman, Letson, Murray, Stebelton

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## BILL SUMMARY

- Authorizes a court to cancel claims for amounts due the court if the amounts are uncollectible after five years.
- Gives a sentencing court continuing jurisdiction to waive, suspend, or modify the payment of the costs of prosecution by the defendant.
- Defines "case" for purposes of criminal costs statutes as the prosecution of all the charges that result from the same act, transaction, or series of acts or transactions and that are given the same case type designator and case number under Supreme Court rules.
- Abolishes the Felony Sentence Appeal Cost Oversight Committee.

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## CONTENT AND OPERATION

### Cancellation of uncollectible amounts owing to a court

The bill authorizes a court to direct the court clerk to cancel all or part of a claim for an amount due to the court if at any time more than five years from the date the amount was due the court finds that the amount is uncollectible, in whole or in part. Upon receiving such direction, the clerk must effect the cancellation.<sup>1</sup>

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<sup>1</sup> R.C. 1901.263 (municipal court), 1905.38 (mayor's court), 1907.25 (county court), 1925.151 (small claims division of municipal or county court), 2101.165 (probate court), 2151.542 (juvenile court), 2303.23 (court of common pleas), 2501.161 (court of appeals), and 2503.18 (Supreme Court).

## **Sentencing court's continuing jurisdiction over costs**

Under existing law, the judge or magistrate in a criminal case must include the costs of prosecution in the sentence and render a judgment against the defendant for those costs. At the time of sentencing, the judge or magistrate must give the defendant notice of both of the following: (1) if the defendant fails to pay the judgment or to timely make payments towards that judgment under an approved payment schedule, the court may order the defendant to perform community service until the judgment is paid or the defendant complies with an approved payment schedule, and (2) if the court orders the defendant to perform community service, the defendant will receive credit upon the judgment at a specified hourly credit rate per hour of community service performed.

If the judge or magistrate determines after a hearing that the defendant has failed to pay the judgment or to timely make payments towards that judgment under an approved payment schedule, the judge or magistrate may order the offender to perform community service of not more than 40 hours per month until the judgment is paid or the offender is in compliance with an approved payment schedule.

The bill provides that the court retains jurisdiction to waive, suspend, or modify the payment of the costs of prosecution (including any costs of investigation by the State Board of Pharmacy ordered under R.C. 2947.231) at the time of sentencing or at any time thereafter.<sup>2</sup>

For purposes of the above provisions and the statute that requires a criminal or juvenile court to impose additional costs of \$30 for a felony, \$20 for a misdemeanor other than a traffic offense that is not a moving violation, or \$10 for a traffic offense that is not a moving violation for deposit into the Indigent Defense Support Fund, the bill defines "case" as a prosecution of all the charges that result from the same act, transaction, or series of acts or transactions and that are given the same case type designator and case number under Rule 43 of the Supreme Court's Rules of Superintendence for the Courts of Ohio or any successor to that rule.<sup>3</sup>

## **Abolition of Felony Sentence Appeal Cost Oversight Committee**

The Felony Sentence Appeal Cost Oversight Committee consists of eight members representing the judiciary, the General Assembly, the Office of Budget and Management, the State Public Defender, prosecutors, and county commissioners. The Committee is charged by statute with reviewing data received from the State Criminal

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<sup>2</sup> R.C. 2947.23(A), (B), and (C).

<sup>3</sup> R.C. 2947.23(D) and R.C. 2949.091(C)(3).

Sentencing Commission to determine how much money, if any, has been appropriated to the Supreme Court's judiciary budget to help counties pay for felony appeals and postconviction relief proceedings and recommending to the Supreme Court a method of distributing the money available for that purpose to the counties. The bill abolishes the Committee.<sup>4</sup>

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## HISTORY

ACTION	DATE
Introduced	06-01-11

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<sup>4</sup> R.C. 181.25(A)(5) and 2953.08(I).

