

As Passed by the Senate

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Sub. H. B. No. 271

**REPRESENTATIVES Stapleton, Carey, Hagan, Kearns, Schaffer, Carmichael,
Latta, Schmidt, Fessler, Sullivan, Distel, Allen, Redfern, Womer Benjamin,
Willamowski, Seitz, Faber, Hoops, R. Miller, Flowers, Salerno, Lendrum,
Schneider, Metzger, Setzer, Calvert, Coates, Niehaus, G. Smith, Hughes, Gilb,
Wilson, Otterman, Patton, Latell, Cirelli, DeBose, Key, Hartnett, Barrett,
Roman, D. Miller, Sferra, Webster, Manning
SENATOR Oelslager**

A B I L L

To amend section 2947.23 of the Revised Code to 1
authorize courts to impose periods of community 2
service upon offenders who fail to pay judgments 3
for court costs relating to the criminal action 4
with a credit upon the judgment at the minimum wage 5
rate per hour of service. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2947.23 of the Revised Code be 7
amended to read as follows: 8

Sec. 2947.23. (A)(1) In all criminal cases, including 9
violations of ordinances, the judge or magistrate shall include in 10
the sentence the costs of prosecution and render a judgment 11
against the defendant for such costs. ~~If~~ At the time the judge or 12
magistrate imposes sentence, the judge or magistrate shall notify 13
the defendant of both of the following: 14

(a) If the defendant fails to pay that judgment or fails to 15
timely make payments towards that judgment under a payment 16
schedule approved by the court, the court may order the defendant 17
to perform community service in an amount of not more than forty 18
hours per month until the judgment is paid or until the court is 19
satisfied that the defendant is in compliance with the approved 20
payment schedule. 21

(b) If the court orders the defendant to perform the 22
community service, the defendant will receive credit upon the 23
judgment at the specified hourly credit rate per hour of community 24
service performed, and each hour of community service performed 25
will reduce the judgment by that amount. 26

(2) If a jury has been sworn at the trial of a case, the fees 27
of the jurors shall be included in the costs, which shall be paid 28
to the public treasury from which the jurors were paid. 29

(B) If a judge or magistrate has reason to believe that a 30
defendant has failed to pay the judgment described in division (A) 31
of this section or has failed to timely make payments towards that 32
judgment under a payment schedule approved by the judge or 33
magistrate, the judge or magistrate shall hold a hearing to 34
determine whether to order the offender to perform community 35
service for that failure. The judge or magistrate shall notify 36
both the defendant and the prosecuting attorney of the place, 37
time, and date of the hearing and shall give each an opportunity 38
to present evidence. If, after the hearing, the judge or 39
magistrate determines that the defendant has failed to pay the 40
judgment or to timely make payments under the payment schedule and 41
that imposition of community service for the failure is 42
appropriate, the judge or magistrate may order the offender to 43
perform community service in an amount of not more than forty 44
hours per month until the judgment is paid or until the judge or 45
magistrate is satisfied that the offender is in compliance with 46

the approved payment schedule. If the judge or magistrate orders 47
the defendant to perform community service under this division, 48
the defendant shall receive credit upon the judgment at the 49
specified hourly credit rate per hour of community service 50
performed, and each hour of community service performed shall 51
reduce the judgment by that amount. Except for the credit and 52
reduction provided in this division, ordering an offender to 53
perform community service under this division does not lessen the 54
amount of the judgment and does not preclude the state from taking 55
any other action to execute the judgment. 56

(C) As used in this section, "specified hourly credit rate" 57
means the wage rate that is specified in 26 U.S.C.A. 206(a)(1) 58
under the federal Fair Labor Standards Act of 1938, that then is 59
in effect, and that an employer subject to that provision must pay 60
per hour to each of the employer's employees who is subject to 61
that provision. 62

Section 2. That existing section 2947.23 of the Revised Code 63
is hereby repealed. 64