

As Reported by the House Criminal Justice Committee

124th General Assembly

Regular Session

2001-2002

Am. H. B. No. 271

REPRESENTATIVES Stapleton, Carey, Hagan, Kearns, Schaffer, Carmichael,
Latta, Schmidt, Fessler, Sullivan, Distel, Allen, Redfern, Womer Benjamin,
Willamowski, Seitz, Faber

A BILL

To amend section 2947.23 of the Revised Code to
authorize courts to impose periods of community
service upon offenders who fail to pay judgments
for court costs relating to the criminal action.

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

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

Sec. 2947.23. (A) In all criminal cases, including violations
of ordinances, the judge or magistrate shall include in the
sentence the costs of prosecution and render a judgment against
the defendant for such costs. ~~If~~ At the time the judge or
magistrate imposes sentence, the judge or magistrate shall notify
the defendant that, if the defendant fails to pay that judgment or
fails to timely make payments towards that judgment under a
payment schedule approved by the court, the court may order the
defendant to perform community service in an amount of not more
than forty hours per month until the judgment is paid or until the
court is satisfied that the defendant is in compliance with the
approved payment schedule.

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

(B) If a judge or magistrate has reason to believe that a defendant has failed to pay the judgment described in division (A) of this section or has failed to timely make payments towards that judgment under a payment schedule approved by the judge or magistrate, the judge or magistrate shall hold a hearing to determine whether to order the offender to perform community service for that failure. The judge or magistrate shall notify both the defendant and the prosecuting attorney of the place, time, and date of the hearing and shall give each an opportunity to present evidence. If, after the hearing, the judge or magistrate determines that imposition of community service for the failure is appropriate, the judge or magistrate may order the offender to perform community service in an amount of not more than forty hours per month until the judgment is paid or until the judge or magistrate is satisfied that the offender is in compliance with the approved payment schedule. Ordering an offender to perform community service under this division does not lessen the amount of the judgment and does not preclude the state from taking any other action to execute the judgment.

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