

As Reported by the Senate Judiciary--Criminal Justice Committee

124th General Assembly

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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

A B I L L

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
with a credit upon the judgment at the minimum wage
rate per hour of service.

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)(1) 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 of both of the following:

(a) If the defendant fails to pay that judgment or fails to

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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.

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

(2) 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 the defendant has failed to pay the judgment or to timely make payments under the payment schedule and 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. If the judge or magistrate orders

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the defendant to perform community service under this division,
the defendant shall receive credit upon the judgment at the
specified hourly credit rate per hour of community service
performed, and each hour of community service performed shall
reduce the judgment by that amount. Except for the credit and
reduction provided in this division, 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.

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

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is hereby repealed.