

As Introduced

**124th General Assembly
Regular Session
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H. B. No. 464

REPRESENTATIVE Willamowski

A B I L L

To amend sections 2303.201, 2335.19, and 2335.24 of
the Revised Code relative to the terms of a
contract entered into by a clerk of a court with a
public agency or private vendor for the collections
of amounts due under judgments for costs.

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

Section 1. That sections 2303.201, 2335.19, and 2335.24 of
the Revised Code be amended to read as follows:

Sec. 2303.201. (A)(1) The court of common pleas of any county
may determine that for the efficient operation of the court
additional funds are required to computerize the court, to make
available computerized legal research services, or to do both.
Upon making a determination that additional funds are required for
either or both of those purposes, the court shall authorize and
direct the clerk of the court of common pleas to charge one
additional fee, not to exceed three dollars, on the filing of each
cause of action or appeal under divisions (A), (Q), and (U) of
section 2303.20 of the Revised Code.

(2) All fees collected under division (A)(1) of this section
shall be paid to the county treasurer. The treasurer shall place
the funds from the fees in a separate fund to be disbursed, upon

an order of the court, in an amount not greater than the actual
cost to the court of procuring and maintaining computerization of
the court, computerized legal research services, or both.

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(3) If the court determines that the funds in the fund
described in division (A)(2) of this section are more than
sufficient to satisfy the purpose for which the additional fee
described in division (A)(1) of this section was imposed, the
court may declare a surplus in the fund and expend those surplus
funds for other appropriate technological expenses of the court.

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(B)(1) The court of common pleas of any county may determine
that, for the efficient operation of the court, additional funds
are required to computerize the office of the clerk of the court
of common pleas and, upon that determination, authorize and direct
the clerk of the court of common pleas to charge an additional
fee, not to exceed ten dollars, on the filing of each cause of
action or appeal, on the filing, docketing, and endorsing of each
certificate of judgment, or on the docketing and indexing of each
aid in execution or petition to vacate, revive, or modify a
judgment under divisions (A), (P), (Q), (T), and (U) of section
2303.20 of the Revised Code. Subject to division (B)(2) of this
section, all moneys collected under division (B)(1) of this
section shall be paid to the county treasurer to be disbursed,
upon an order of the court of common pleas and subject to
appropriation by the board of county commissioners, in an amount
no greater than the actual cost to the court of procuring and
maintaining computer systems for the office of the clerk of the
court of common pleas.

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(2) If the court of common pleas of a county makes the
determination described in division (B)(1) of this section, the
board of county commissioners of that county may issue one or more
general obligation bonds for the purpose of procuring and
maintaining the computer systems for the office of the clerk of

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the court of common pleas. In addition to the purposes stated in
division (B)(1) of this section for which the moneys collected
under that division may be expended, the moneys additionally may
be expended to pay debt charges on and financing costs related to
any general obligation bonds issued pursuant to division (B)(2) of
this section as they become due. General obligation bonds issued
pursuant to division (B)(2) of this section are Chapter 133.
securities.

(C) The court of common pleas shall collect the sum of
fifteen dollars as additional filing fees in each new civil action
or proceeding for the charitable public purpose of providing
financial assistance to legal aid societies that operate within
the state. This division does not apply to proceedings concerning
annulments, dissolutions of marriage, divorces, legal separation,
spousal support, marital property or separate property
distribution, support, or other domestic relations matters; to a
juvenile division of a court of common pleas; to a probate
division of a court of common pleas, except that the additional
filing fees shall apply to name change, guardianship, and adoption
proceedings; or to an execution on a judgment, proceeding in aid
of execution, or other post-judgment proceeding arising out of a
civil action. The filing fees required to be collected under this
division shall be in addition to any other filing fees imposed in
the action or proceeding and shall be collected at the time of the
filing of the action or proceeding. The court shall not waive the
payment of the additional filing fees in a new civil action or
proceeding unless the court waives the advanced payment of all
filing fees in the action or proceeding. All such moneys collected
during a month shall be transmitted on or before the twentieth day
of the following month by the clerk of the court to the treasurer
of state. The moneys then shall be deposited by the treasurer of
state to the credit of the legal aid fund established under

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section 120.52 of the Revised Code. 85

The court may retain up to one per cent of the moneys it 86
collects under this division to cover administrative costs, 87
including the hiring of any additional personnel necessary to 88
implement this division. 89

(D) On and after the thirtieth day after December 9, 1994, 90
the court of common pleas shall collect the sum of thirty-two 91
dollars as additional filing fees in each new action or proceeding 92
for annulment, divorce, or dissolution of marriage for the purpose 93
of funding shelters for victims of domestic violence pursuant to 94
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 95
required to be collected under this division shall be in addition 96
to any other filing fees imposed in the action or proceeding and 97
shall be collected at the time of the filing of the action or 98
proceeding. The court shall not waive the payment of the 99
additional filing fees in a new action or proceeding for 100
annulment, divorce, or dissolution of marriage unless the court 101
waives the advanced payment of all filing fees in the action or 102
proceeding. On or before the twentieth day of each month, all 103
moneys collected during the immediately preceding month pursuant 104
to this division shall be deposited by the clerk of the court into 105
the county treasury in the special fund used for deposit of 106
additional marriage license fees as described in section 3113.34 107
of the Revised Code. Upon their deposit into the fund, the moneys 108
shall be retained in the fund and expended only as described in 109
section 3113.34 of the Revised Code. 110

(E)(1) The court of common pleas may determine that, for the 111
efficient operation of the court, additional funds are necessary 112
to acquire and pay for special projects of the court, including, 113
but not limited to, the acquisition of additional facilities or 114
the rehabilitation of existing facilities, the acquisition of 115
equipment, the hiring and training of staff, community service 116

programs, mediation or dispute resolution services, the employment
of magistrates, the training and education of judges, acting
judges, and magistrates, and other related services. Upon that
determination, the court by rule may charge a fee, in addition to
all other court costs, on the filing of each criminal cause, civil
action or proceeding, or judgment by confession.

If the court of common pleas offers a special program or
service in cases of a specific type, the court by rule may assess
an additional charge in a case of that type, over and above court
costs, to cover the special program or service. The court shall
adjust the special assessment periodically, but not retroactively,
so that the amount assessed in those cases does not exceed the
actual cost of providing the service or program.

All moneys collected under division (E) of this section shall
be paid to the county treasurer for deposit into either a general
special projects fund or a fund established for a specific special
project. Moneys from a fund of that nature shall be disbursed upon
an order of the court in an amount no greater than the actual cost
to the court of a project. If a specific fund is terminated
because of the discontinuance of a program or service established
under division (E) of this section, the court may order that
moneys remaining in the fund be transferred to an account
established under this division for a similar purpose.

(2) As used in division (E) of this section:

(a) "Criminal cause" means a charge alleging the violation of
a statute or ordinance, or subsection of a statute or ordinance,
that requires a separate finding of fact or a separate plea before
disposition and of which the defendant may be found guilty,
whether filed as part of a multiple charge on a single summons,
citation, or complaint or as a separate charge on a single
summons, citation, or complaint. "Criminal cause" does not include
separate violations of the same statute or ordinance, or

subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(F) The court of common pleas of any county may determine that, for the efficient operation of the court, additional funds are required to computerize the office of the clerk of the court of common pleas and, upon that determination, authorize and direct the clerk of the court of common pleas to pay the interest collected under section 2335.19 of the Revised Code to the county treasurer. The treasurer shall place the funds from the interest in a separate fund to be disbursed, upon an order of the court, in an amount not greater than the actual cost to the court of procuring and maintaining computer systems for the office of the clerk of the court of common pleas.

Sec. 2335.19. (A) On the rendition of judgment in any cause in any court, the costs of the party recovering, together with the party's debt or damages, shall be carried into the party's judgment, and the costs of the party against whom that judgment is rendered shall be separately stated in the record or docket entry. No party in whose favor judgment for costs is rendered in a cause may release, satisfy, or discharge, in whole or in part, any of those costs, unless that party previously has paid those costs to the clerk of the court or unless those costs have been paid to the person entitled to those costs or have been legally assigned or transferred to that party by the persons in whose names those costs stand taxed upon the record or docket.

(B) An entry of judgment that includes a grant of judgment for costs is an order that authorizes the clerk of the court, in accordance with division (C) of this section, to issue a certificate of judgment for all costs, ~~including the total cost of~~

~~collection of and any interest due on the judgment for costs,~~ 180
~~including any interest due on the judgment for costs, any cost~~ 181
~~incurred by the clerk in collecting the judgment for costs, and any~~ 182
~~fee a public agency or private vendor charges the clerk pursuant~~ 183
~~to a contract entered into under division (B)(1) of section~~ 184
~~2335.24 of the Revised Code for collecting the judgment for costs~~ 185
against the person who is liable for the payment of those costs. 186

(C) The clerk of a court who wishes to issue a certificate of 187
judgment for costs pursuant to a judgment for costs shall provide 188
an itemized bill of fees and costs, ~~including the total cost of~~ 189
~~collection of and any interest due on the judgment for costs,~~ to 190
the person who is liable for costs under the judgment, either upon 191
the request of the person as specified in section 2335.32 of the 192
Revised Code or without a request. If the person does not pay the 193
fees and costs within thirty days after the clerk provides the 194
itemized bill, the clerk shall send the person a notice requesting 195
payment of the fees and costs as stated in the itemized bill. If 196
the person does not respond to the notice with the full payment of 197
the fees and costs within thirty days, the clerk shall send the 198
person a second notice requesting payment of the fees and costs. 199
If ninety days elapse from the date that the clerk provides the 200
itemized bill and if the person has not paid the full amount of 201
the fees and costs pursuant to the itemized bill and the notices, 202
the clerk may issue a certificate of judgment for costs against 203
the person for the fees and costs. After issuing a certificate of 204
judgment for costs, the clerk may assess the interest accrued from 205
the date of the issuance of the certificate to the date of 206
collection of the judgment at the rate established in section 207
1343.03 of the Revised Code. 208

Sec. 2335.24. (A) In all causes in any court, except as 209
otherwise provided in section 2969.23 of the Revised Code, costs 210
taxed and entered as provided by sections 2335.18 to 2335.23 of 211

the Revised Code may be collected by the process provided by those sections. 212
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(B)(1) The clerk of a court may enter into contracts with one or more public agencies or private vendors for the collection of amounts due under judgments for costs. The contracts shall comply with division (B)(2) of this section. The amounts may include any interest that also is due on a judgment for costs. Before entering into or renewing a contract of that nature, the clerk of a court shall do all of the following: 214
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(a) Comply with the provisions of sections 307.86 to 307.92 of the Revised Code that pertain to required competitive bidding. For purposes of complying with those sections, the clerk of the court shall be considered the contracting authority. 221
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(b) Obtain the approval of the terms of the contract by the legislative authority associated with the court. 225
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(2) A contract entered into or renewed by the clerk of a court pursuant to division (B)(1) of this section shall include all of the following terms: 227
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(a) A requirement that the contracting public agency or private vendor must disburse the full amount collected by the agency or vendor that is due under the judgment for costs, including any interest that is also due on that judgment, to the contracting clerk of a court for disbursement to the appropriate entity as designated by the Revised Code; 230
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(b) A provision that prohibits the contracting public agency or private vendor from deducting any fees or expenses that the agency or vendor incurs in the collection of the judgment from the amount collected that is due under the judgment including interest. 236
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(3) As used in division (B) of this section, "legislative authority" has the same meaning as in division (B) of section 241
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1901.03 of the Revised Code, if the clerk of the court involved is 243
the clerk of a municipal court, and means a board of county 244
commissioners, if the clerk of the court involved is the clerk of 245
a county court or a court of common pleas. 246

Section 2. That existing sections 2303.201, 2335.19, and 247
2335.24 of the Revised Code are hereby repealed. 248