

## As Introduced

125th General Assembly  
Regular Session  
2003-2004

H. B. No. 49

Representatives Hughes, Seitz, McGregor, Husted, Seaver, J. Stewart,  
Brinkman

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### A BILL

To amend sections 9.92 and 2949.092 and to enact  
section 9.23 of the Revised Code to provide  
testimonial privilege to persons who provide  
information to citizens' reward programs, to  
permit a Board of County Commissioners to enter  
into an agreement of affiliation with a citizens'  
reward program, and to require the imposition of  
one dollar in additional court costs to assist in  
the funding of affiliated citizens' reward  
programs.

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

**Section 1.** That sections 9.92 and 2949.092 be amended and  
section 9.23 of the Revised Code be enacted to read as follows:

**Sec. 9.23.** (A) As used in this section, "citizens' reward  
program" has the same meaning as in section 9.92 of the Revised  
Code.

(B) Any record containing the name or telephone number of a  
person, or containing any other information that identifies a  
person, who provides anonymous information to a citizens' reward  
program is confidential information and is not a public record for

purposes of section 149.43 of the Revised Code.

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(C) A person or government agency that considers it necessary to require an informant who provides anonymous information to a citizens' reward program to testify in a criminal case that is related to that information and in which the person or government agency is a party may file an in camera motion with the court in which the case is being heard. The motion shall identify the name of the informant by pseudonym and shall identify the name of the citizens' reward program that received the information. Upon the filing of the motion, the court shall order the program to provide the name of the informant, and the citizens' reward program shall confidentially communicate the name of the informant to the court. The court shall provide the informant with notice and an opportunity to participate in the proceedings if the informant is not named as a party. The court shall conduct the proceedings on the motion in chambers unless the informant agrees to a hearing in open court.

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The court shall grant the motion only if it finds by clear and convincing evidence that the movant demonstrated a compelling need for the testimony. In assessing compelling need, the court shall weigh the need for the testimony against the informant's interest in anonymity and against any disservice to the public interest that might result from requiring the informant to testify in open court, such as retribution against the informant or the deterrence of others from providing information to citizens' reward programs. If the court grants the motion, it shall include in the order requiring the informant to testify appropriate precautions to protect the anonymity of the informant as much as possible and to protect against retribution against the informant.

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**Sec. 9.92.** (A) As used in this section, "citizens":

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(1) "Bail" has the same meaning as in section 2743.70 of the

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<u>Revised Code.</u>	51
(2) " <u>Citizens'</u> reward program" means any organization that satisfies all of the following criteria:	52 53
<del>(1)</del> (a) It is a nonprofit organization;	54
<del>(2)</del> (b) It is organized and operated exclusively to offer and pay rewards to citizens for volunteering tips and information to law enforcement agencies concerning felonies, offenses of violence, or misdemeanors that have been committed;	55 56 57 58
<del>(3)</del> (c) It has established a reward fund to be used solely for the payment of rewards to citizens for volunteering tips and information to law enforcement agencies concerning felonies, offenses of violence, or misdemeanors that have been committed.	59 60 61 62
(3) " <u>Detention facility</u> " has the same meaning as in section 2921.01 of the Revised Code.	63 64
(B) A citizens' reward program may apply to the board of county commissioners of any county or counties in which it operates for recognition as the official reward program for that county or counties. Upon receipt of the application, the board of county commissioners shall determine if it is in proper order and the information it contains is correct. If the application meets these criteria, the board, by resolution, may officially recognize the program. Recognition of a program by a county under this division qualifies the program for funding of its reward fund under division (E)(2) of section 2933.41 of the Revised Code. No more than one such reward program shall be recognized in any county.	65 66 67 68 69 70 71 72 73 74 75 76
(C)(1) <u>If a board of county commissioners enters into an agreement of affiliation with a citizens' reward program pursuant to division (D) of this section, a court of that county shall impose the sum of one dollar as costs in any case in which a</u>	77 78 79 80

person is convicted of or pleads guilty to any offense other than 81  
a traffic offense that is not a moving violation. This one dollar 82  
additional court costs is in addition to any other court costs 83  
that the court is required by law to impose upon the offender and 84  
shall be imposed by the court as long as the agreement of 85  
affiliation remains in effect. The clerk of the court shall 86  
transmit all such moneys collected during a month on or before the 87  
twentieth day of the following month to the affiliated citizens' 88  
reward program. 89

(2) If a board of county commissioners enters into an 90  
agreement of affiliation with a citizens' reward program pursuant 91  
to division (D) of this section, whenever a person is charged with 92  
any offense other than a traffic offense that is not a moving 93  
violation and posts bail, a court of that county shall add to the 94  
amount of the bail the one dollar required to be paid by division 95  
(C)(1) of this section. The court shall add the one dollar to the 96  
bail as long as the agreement of affiliation remains in effect. 97  
The clerk of the court shall retain the one dollar collected 98  
pursuant to this division until the person is convicted, pleads 99  
guilty, forfeits bail, is found not guilty, or has the charges 100  
dismissed. If the person is convicted, pleads guilty, or forfeits 101  
bail, the clerk shall transmit the one dollar on or before the 102  
twentieth day of the month following the month in which the person 103  
was convicted, pleaded guilty, or forfeited bail to the affiliated 104  
citizens' reward program. If the person is found not guilty or the 105  
charges are dismissed, the clerk shall return the one dollar to 106  
the person. 107

(3) No person shall be placed or held in a detention facility 108  
for failing to pay the additional one dollar court costs or bail 109  
that are required to be paid by division (C)(1) or (2) of this 110  
section. 111

(4) A citizens' reward program receiving funds pursuant to 112

division (C)(1) or (2) of this section may use the funds for any 113  
purpose described in division (A)(1)(b) or (c) of this section. 114

(D)(1) Any citizens' reward program that is recognized under 115  
division (B) of this section may enter into a written agreement of 116  
affiliation with a board of county commissioners in the county in 117  
which the program operates. Agreements of affiliation executed 118  
pursuant to this division shall be valid for two years and may be 119  
renewed. The agreements shall do all of the following: 120

(a) Specify the relationship between the citizens' reward 121  
program, the county, and law enforcement agencies in the county; 122

(b) Specify that the citizens' reward program shall account 123  
annually to the board of county commissioners for all funds raised 124  
by the organization from all sources and all funds expended by the 125  
organization for any purpose; 126

(c) Allow the citizens' reward program to identify the 127  
sources of funds raised generically rather than by name; 128

(d) Prohibit the citizens' reward program from divulging the 129  
amounts of individual rewards paid and the identity of any person 130  
to whom a reward was paid. 131

(2) In every county in which the board of county 132  
commissioners approves of an agreement of affiliation, the board 133  
shall notify the clerks of courts within the county of that 134  
agreement of affiliation and of the duty to collect the additional 135  
court costs and bail imposed pursuant to division (C) of this 136  
section. 137

(E) The recognition of a citizens' reward program under this 138  
section does not make it a governmental unit for purposes of 139  
section 149.43 of the Revised Code and does not subject it to the 140  
disclosure provisions of that section. A board of county 141  
commissioners that recognizes a citizens' reward program pursuant 142

to this section shall require the program to provide the board 143  
with an accounting of all funds the program receives or disburses 144  
subsequent to its recognition in order to maintain recognition. 145

~~(D)~~(F) A board of county commissioners that recognizes a 146  
citizens' reward program under this section may by resolution 147  
revoke its recognition of the program. The board shall send a copy 148  
of the resolution, upon adoption, to the program and to each 149  
appropriate law enforcement agency that has jurisdiction over the 150  
territory served by the program. 151

~~(E)~~(G) An application for recognition of a citizens' reward 152  
program shall contain all of the following information: 153

(1) The name of the program and its mailing address; 154

(2) The name and address of each of its officers or 155  
officials; 156

(3) Information sufficient to establish the intention and 157  
ability of the program's officers to implement the program 158  
throughout the county; 159

(4) The purposes for which the program is organized and 160  
operated and the services it offers; 161

(5) A copy of the articles of incorporation and bylaws of the 162  
program, if applicable, or a copy of the rules and procedures 163  
under which the program is organized and operated; 164

(6) Any other relevant information that the board of county 165  
commissioners requires, by resolution. 166

**Sec. 2949.092.** If a person is convicted of or pleads guilty 167  
to an offense and the court specifically is required, pursuant to 168  
section 9.92, 2743.70, or 2949.091 of the Revised Code or pursuant 169  
to any other section of the Revised Code, to impose a specified 170  
sum of money as costs in the case in addition to any other costs 171  
that the court is required or permitted by law to impose in the 172

case, the court shall not waive the payment of the specified 173  
additional court costs that the section of the Revised Code 174  
specifically requires the court to impose unless the court 175  
determines that the offender is indigent and the court waives the 176  
payment of all court costs imposed upon the offender. 177

**Section 2.** That existing sections 9.92 and 2949.092 of the 178  
Revised Code are hereby repealed. 179