

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 108**

**Representative Patton**

—

**A BILL**

To amend sections 2949.092, 5502.01, 5502.61, and 1  
5502.62 and to enact sections 2949.094, 5502.67, 2  
and 5502.68 of the Revised Code to require a court 3  
to impose an additional court cost of five dollars 4  
for a moving violation to fund grants to local 5  
drug law enforcement task forces, to create the 6  
Drug Law Enforcement Fund in the Division of 7  
Criminal Justice Services of the Department of 8  
Public Safety, and to create the Drug Law 9  
Enforcement Fund Advisory Committee to make 10  
funding recommendations to the Division. 11

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

**Section 1.** That sections 2949.092, 5502.01, 5502.61, and 12  
5502.62 be amended and sections 2949.094, 5502.67, and 5502.68 of 13  
the Revised Code be enacted to read as follows: 14

**Sec. 2949.092.** If a person is convicted of or pleads guilty 15  
to an offense and the court specifically is required, pursuant to 16  
section 2743.70, 2949.091, ~~or 2949.093~~, or 2949.094 of the Revised 17  
Code or pursuant to any other section of the Revised Code to 18  
impose a specified sum of money as costs in the case in addition 19  
to any other costs that the court is required or permitted by law 20

to impose in the case, the court shall not waive the payment of 21  
the specified additional court costs that the section of the 22  
Revised Code specifically requires the court to impose unless the 23  
court determines that the offender is indigent and the court 24  
waives the payment of all court costs imposed upon the offender. 25

Sec. 2949.094. (A) The court in which any person is convicted 26  
of or pleads guilty to any moving violation shall impose an 27  
additional court cost of five dollars upon the offender. The court 28  
shall not waive the payment of the five dollars unless the court 29  
determines that the offender is indigent and waives the payment of 30  
all court costs imposed upon the indigent offender. 31

The clerk of the court shall transmit all additional court 32  
costs collected pursuant to this division during a month on the 33  
first business day of the following month to the division of 34  
criminal justice services within the department of public safety 35  
for deposit in the drug law enforcement fund, created under 36  
section 5502.67 of the Revised Code. 37

(B) The juvenile court in which a child is found to be a 38  
juvenile traffic offender for an act that is a moving violation 39  
shall impose an additional court cost of five dollars upon the 40  
juvenile traffic offender. The juvenile court shall not waive the 41  
payment of the five dollars unless the court determines that the 42  
juvenile is indigent and waives the payment of all court costs 43  
imposed upon the indigent offender. 44

The clerk of the court shall transmit all additional court 45  
costs collected pursuant to this division during a month on the 46  
first business day of the following month to the division of 47  
criminal justice services within the department of public safety 48  
for deposit in the drug law enforcement fund, created under 49  
section 5502.67 of the Revised Code. 50

(C) Whenever a person is charged with any offense that is a 51

moving violation and posts bail, the court shall add to the amount 52  
of the bail the five dollars required to be paid by division (A) 53  
of this section. The clerk of the court shall retain the five 54  
dollars until the person is convicted, pleads guilty, forfeits 55  
bail, is found not guilty, or has the charges dismissed. If the 56  
person is convicted, pleads guilty, or forfeits bail, the clerk 57  
shall transmit the five dollars to the division of criminal 58  
justice services within the department of public safety for 59  
deposit in the drug law enforcement fund, created under section 60  
5502.67 of the Revised Code. If the person is found not guilty or 61  
the charges are dismissed, the clerk shall return the five dollars 62  
to the person. 63

(D) No person shall be placed or held in a detention facility 64  
for failing to pay the court cost or bail that is required to be 65  
paid by this section. 66

(E) As used in this section: 67

(1) "Bail" and "moving violation" have the same meanings as 68  
in section 2949.093 of the Revised Code. 69

(2) "Detention facility" has the same meaning as in section 70  
2921.01 of the Revised Code. 71

**Sec. 5502.01.** (A) The department of public safety shall 72  
administer and enforce the laws relating to the registration, 73  
licensing, sale, and operation of motor vehicles and the laws 74  
pertaining to the licensing of drivers of motor vehicles. 75

The department shall compile, analyze, and publish statistics 76  
relative to motor vehicle accidents and the causes of them, 77  
prepare and conduct educational programs for the purpose of 78  
promoting safety in the operation of motor vehicles on the 79  
highways, and conduct research and studies for the purpose of 80  
promoting safety on the highways of this state. 81

(B) The department shall administer the laws and rules 82  
relative to trauma and emergency medical services specified in 83  
Chapter 4765. of the Revised Code. 84

(C) The department shall administer and enforce the laws 85  
contained in Chapters 4301. and 4303. of the Revised Code and 86  
enforce the rules and orders of the liquor control commission 87  
pertaining to retail liquor permit holders. 88

(D) The department shall administer the laws governing the 89  
state emergency management agency and shall enforce all additional 90  
duties and responsibilities as prescribed in the Revised Code 91  
related to emergency management services. 92

(E) The department shall conduct investigations pursuant to 93  
Chapter 5101. of the Revised Code in support of the duty of the 94  
department of job and family services to administer food stamp 95  
programs throughout this state. The department of public safety 96  
shall conduct investigations necessary to protect the state's 97  
property rights and interests in the food stamp program. 98

(F) The department of public safety shall enforce compliance 99  
with orders and rules of the public utilities commission and 100  
applicable laws in accordance with Chapters 4919., 4921., and 101  
4923. of the Revised Code regarding commercial motor vehicle 102  
transportation safety, economic, and hazardous materials 103  
requirements. 104

(G) Notwithstanding Chapter 4117. of the Revised Code, the 105  
department of public safety may establish requirements for its 106  
enforcement personnel, including its enforcement agents described 107  
in section 5502.14 of the Revised Code, that include standards of 108  
conduct, work rules and procedures, and criteria for eligibility 109  
as law enforcement personnel. 110

(H) The department shall administer, maintain, and operate 111  
the Ohio criminal justice network. The Ohio criminal justice 112

network shall be a computer network that supports state and local 113  
criminal justice activities. The network shall be an electronic 114  
repository for various data, which may include arrest warrants, 115  
notices of persons wanted by law enforcement agencies, criminal 116  
records, prison inmate records, stolen vehicle records, vehicle 117  
operator's licenses, and vehicle registrations and titles. 118

(I) The department shall coordinate all homeland security 119  
activities of all state agencies and shall be a liaison between 120  
state agencies and local entities for those activities and related 121  
purposes. 122

(J) Beginning July 1, 2004, the department shall administer 123  
and enforce the laws relative to private investigators and 124  
security service providers specified in Chapter 4749. of the 125  
Revised Code. 126

(K) The department shall administer criminal justice services 127  
in accordance with sections 5502.61 to ~~5502.66~~ 5502.68 of the 128  
Revised Code. 129

**Sec. 5502.61.** As used in sections 5502.61 to ~~5502.66~~ 5502.68 130  
of the Revised Code: 131

(A) "Federal criminal justice acts" means any federal law 132  
that authorizes financial assistance and other forms of assistance 133  
to be given by the federal government to the states to be used for 134  
the improvement of the criminal and juvenile justice systems of 135  
the states. 136

(B)(1) "Criminal justice system" includes all of the 137  
functions of the following: 138

(a) The state highway patrol, county sheriff offices, 139  
municipal and township police departments, and all other law 140  
enforcement agencies; 141

(b) The courts of appeals, courts of common pleas, municipal 142

courts, county courts, and mayor's courts, when dealing with 143  
criminal cases; 144

(c) The prosecuting attorneys, city directors of law, village 145  
solicitors, and other prosecuting authorities when prosecuting or 146  
otherwise handling criminal cases, and the county and joint county 147  
public defenders and other public defender agencies or offices; 148

(d) The department of rehabilitation and correction, 149  
probation departments, county and municipal jails and workhouses, 150  
and any other department, agency, or facility that is concerned 151  
with the rehabilitation or correction of criminal offenders; 152

(e) Any public or private agency whose purposes include the 153  
prevention of crime or the diversion, adjudication, detention, or 154  
rehabilitation of criminal offenders; 155

(f) Any public or private agency, the purposes of which 156  
include assistance to crime victims or witnesses. 157

(2) The inclusion of any public or private agency, the 158  
purposes of which include assistance to crime victims or 159  
witnesses, as part of the criminal justice system pursuant to 160  
division (B)(1) of this section does not limit, and shall not be 161  
construed as limiting, the discretion or authority of the attorney 162  
general with respect to crime victim assistance and criminal 163  
justice programs. 164

(C) "Juvenile justice system" includes all of the functions 165  
of the juvenile courts, the department of youth services, any 166  
public or private agency whose purposes include the prevention of 167  
delinquency or the diversion, adjudication, detention, or 168  
rehabilitation of delinquent children, and any of the functions of 169  
the criminal justice system that are applicable to children. 170

(D) "Comprehensive plan" means a document that coordinates, 171  
evaluates, and otherwise assists, on an annual or multi-year 172  
basis, any of the functions of the criminal and juvenile justice 173

systems of the state or a specified area of the state, that	174
conforms to the priorities of the state with respect to criminal	175
and juvenile justice systems, and that conforms with the	176
requirements of all federal criminal justice acts. These functions	177
may include, but are not limited to, any of the following:	178
(1) Crime and delinquency prevention;	179
(2) Identification, detection, apprehension, and detention of	180
persons charged with criminal offenses or delinquent acts;	181
(3) Assistance to crime victims or witnesses, except that the	182
comprehensive plan does not include the functions of the attorney	183
general pursuant to sections 109.91 and 109.92 of the Revised	184
Code;	185
(4) Adjudication or diversion of persons charged with	186
criminal offenses or delinquent acts;	187
(5) Custodial treatment of criminal offenders, delinquent	188
children, or both;	189
(6) Institutional and noninstitutional rehabilitation of	190
criminal offenders, delinquent children, or both.	191
(E) "Metropolitan county criminal justice services agency"	192
means an agency that is established pursuant to division (A) of	193
section 5502.64 of the Revised Code.	194
(F) "Administrative planning district" means a district that	195
is established pursuant to division (A) or (B) of section 5502.66	196
of the Revised Code.	197
(G) "Criminal justice coordinating council" means a criminal	198
justice services agency that is established pursuant to division	199
(D) of section 5502.66 of the Revised Code.	200
(H) "Local elected official" means any person who is a member	201
of a board of county commissioners or township trustees or of a	202
city or village council, judge of the court of common pleas, a	203

municipal court, or a county court, sheriff, county coroner, 204  
prosecuting attorney, city director of law, village solicitor, or 205  
mayor. 206

(I) "Juvenile justice coordinating council" means a juvenile 207  
justice services agency that is established pursuant to division 208  
(D) of section 5502.66 of the Revised Code. 209

(J) "Mcgruff house program" means a program in which 210  
individuals or families volunteer to have their homes or other 211  
buildings serve as places of temporary refuge for children and to 212  
display the mcgruff house symbol identifying the home or building 213  
as that type of place. 214

(K) "Mcgruff house symbol" means the symbol that is 215  
characterized by the image of "mcgruff," the crime dog, and the 216  
slogan "take a bite out of crime," and that has been adopted by 217  
the national crime prevention council as the symbol of its 218  
national citizens' crime prevention campaign. 219

(L) "Sponsoring agency" means any of the following: 220

(1) The board of education of any city, local, or exempted 221  
village school district; 222

(2) The governing board of any educational service center; 223

(3) The governing authority of any chartered nonpublic 224  
school; 225

(4) The police department of any municipal corporation, 226  
township, township police district, or joint township police 227  
district; 228

(5) The office of any township constable or county sheriff. 229

**Sec. 5502.62.** (A) There is hereby created in the department 230  
of public safety a division of criminal justice services. The 231  
director of public safety, with the concurrence of the governor, 232



shall appoint an executive director of the division of criminal 233  
justice services. The executive director shall be the head of the 234  
division. The executive director shall serve at the pleasure of 235  
the director of public safety. To carry out the duties assigned 236  
under this section and to comply with sections 5502.63 to ~~5502.66~~ 237  
5502.68 of the Revised Code, the executive director, subject to 238  
the direction and control of the director of public safety, may 239  
appoint and maintain any necessary staff and may enter into any 240  
necessary contracts and other agreements. The executive director 241  
of the division, and all professional and technical personnel 242  
employed within the division who are not public employees as 243  
defined in section 4117.01 of the Revised Code, shall be in the 244  
unclassified civil service, and all other persons employed within 245  
the division shall be in the classified civil service. 246

(B) Subject to division (F) of this section and subject to 247  
divisions (D) to (F) of section 5120.09 of the Revised Code 248  
insofar as those divisions relate to federal criminal justice acts 249  
that the governor requires the department of rehabilitation and 250  
correction to administer, the division of criminal justice 251  
services shall do all of the following: 252

(1) Serve as the state criminal justice services agency and 253  
perform criminal justice system planning in the state, including 254  
any planning that is required by any federal law; 255

(2) Collect, analyze, and correlate information and data 256  
concerning the criminal justice system in the state; 257

(3) Cooperate with and provide technical assistance to state 258  
departments, administrative planning districts, metropolitan 259  
county criminal justice services agencies, criminal justice 260  
coordinating councils, agencies, offices, and departments of the 261  
criminal justice system in the state, and other appropriate 262  
organizations and persons; 263

(4) Encourage and assist agencies, offices, and departments	264
of the criminal justice system in the state and other appropriate	265
organizations and persons to solve problems that relate to the	266
duties of the division;	267
(5) Administer within the state any federal criminal justice	268
acts that the governor requires it to administer;	269
(6) Administer funds received under the "Family Violence	270
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A.	271
10401, as amended, with all powers necessary for the adequate	272
administration of those funds, including the authority to	273
establish a family violence prevention and services program;	274
(7) Implement the state comprehensive plans;	275
(8) Audit grant activities of agencies, offices,	276
organizations, and persons that are financed in whole or in part	277
by funds granted through the division;	278
(9) Monitor or evaluate the performance of criminal justice	279
system projects and programs in the state that are financed in	280
whole or in part by funds granted through the division;	281
(10) Apply for, allocate, disburse, and account for grants	282
that are made available pursuant to federal criminal justice acts,	283
or made available from other federal, state, or private sources,	284
to improve the criminal justice system in the state. All money	285
from such federal grants that require that the money be deposited	286
into an interest-bearing fund or account, that are intended to	287
provide funding to local criminal justice programs, and that	288
require that investment earnings be distributed for program	289
purposes shall be deposited in the state treasury to the credit of	290
the federal justice programs funds, which are hereby created. A	291
separate fund shall be established each federal fiscal year. All	292
investment earnings of a federal justice programs fund shall be	293
credited to that fund and distributed in accordance with the terms	294

of the grant under which the money is received.	295
(11) Contract with federal, state, and local agencies,	296
foundations, corporations, businesses, and persons when necessary	297
to carry out the duties of the division;	298
(12) Oversee the activities of metropolitan county criminal	299
justice services agencies, administrative planning districts, and	300
criminal justice coordinating councils in the state;	301
(13) Advise the director of public safety, general assembly,	302
and governor on legislation and other significant matters that	303
pertain to the improvement and reform of criminal and juvenile	304
justice systems in the state;	305
(14) Prepare and recommend legislation to the director of	306
public safety, general assembly, and governor for the improvement	307
of the criminal and juvenile justice systems in the state;	308
(15) Assist, advise, and make any reports that are requested	309
or required by the governor, director of public safety, attorney	310
general, or general assembly;	311
(16) Develop and maintain the Ohio incident-based reporting	312
system in accordance with division (C) of this section;	313
(17) Subject to the approval of the director of public	314
safety, adopt rules pursuant to Chapter 119. of the Revised Code;	315
(18)(a) Not later than June 1, 2007, and subject to the	316
approval of the director of public safety, adopt rules for the	317
establishment and maintenance of a mcgruff house program by any	318
sponsoring agency. The rules shall include the following:	319
(i) The adoption of the mcgruff house symbol to be used	320
exclusively in all mcgruff house programs in this state;	321
(ii) The requirements for any sponsoring agency to establish	322
and maintain a mcgruff house program;	323
(iii) The criteria for the selection of volunteers to	324

participate in a mcgruff house program that shall include, but not 325  
be limited to, criminal background checks of those volunteers; 326

(iv) Any other matters that the division of criminal justice 327  
services considers necessary for the establishment and maintenance 328  
of mcgruff house programs by sponsoring agencies and the 329  
participation of volunteers in those programs. 330

(b) The division of criminal justice services shall 331  
distribute materials and provide technical assistance to any 332  
sponsoring agency that establishes and maintains a mcgruff house 333  
program, any volunteer group or organization that provides 334  
assistance to that sponsoring agency, or any volunteer who 335  
participates in a mcgruff house program. 336

(19) Administer all money deposited into the drug law 337  
enforcement fund that is created under section 5502.67 of the 338  
Revised Code, establish a procedure for making applications for 339  
money from the fund as provided in section 5502.68 of the Revised 340  
Code, and make final determinations under section 5502.68 of the 341  
Revised Code regarding those applications. 342

(C) The division of criminal justice services shall develop 343  
and maintain the Ohio incident-based reporting system to 344  
facilitate the sharing of information with the federal bureau of 345  
investigation and participating law enforcement agencies in Ohio. 346  
The Ohio incident-based reporting system shall be known as OIBRS. 347  
In connection with OIBRS, the division shall do all of the 348  
following: 349

(1) Collect and organize statistical data for reporting to 350  
the national incident-based reporting system operated by the 351  
federal bureau of investigation for the purpose of securing 352  
federal criminal justice grants; 353

(2) Analyze and highlight mapping data for participating law 354  
enforcement agencies; 355

(3) Distribute data and analyses to participating law enforcement agencies;	356 357
(4) Encourage nonparticipating law enforcement agencies to participate in OIBRS by offering demonstrations, training, and technical assistance;	358 359 360
(5) Provide assistance, advice, and reports requested by the governor, the general assembly, or the federal bureau of investigation;	361 362 363
(6) Require every law enforcement agency that receives federal criminal justice grants or state criminal justice information system general revenue funds through the division to participate in OIBRS or in the uniform crime reporting program of the federal bureau of investigation. An agency that submits OIBRS data to the Ohio local law enforcement information sharing network shall be considered to be in compliance with division (C)(6) of this section if both of the following apply:	364 365 366 367 368 369 370 371
(a) The Ohio local law enforcement information sharing network is capable of collecting OIBRS data.	372 373
(b) The division of criminal justice services has the ability to extract the OIBRS data for reporting to the national incident-based reporting system in the manner required by the federal bureau of investigation.	374 375 376 377
(D) Upon the request of the director of public safety or governor, the division of criminal justice services may do any of the following:	378 379 380
(1) Collect, analyze, or correlate information and data concerning the juvenile justice system in the state;	381 382
(2) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice service agencies, criminal justice	383 384 385

coordinating councils, agency offices, and the departments of the 386  
juvenile justice system in the state and other appropriate 387  
organizations and persons; 388

(3) Encourage and assist agencies, offices, and departments 389  
of the juvenile justice system in the state and other appropriate 390  
organizations and persons to solve problems that relate to the 391  
duties of the division. 392

(E) Divisions (B), (C), and (D) of this section do not limit 393  
the discretion or authority of the attorney general with respect 394  
to crime victim assistance and criminal justice programs. 395

(F) Nothing in this section is intended to diminish or alter 396  
the status of the office of the attorney general as a criminal 397  
justice services agency or to diminish or alter the status or 398  
discourage the development and use of other law enforcement 399  
information systems in Ohio. 400

**Sec. 5502.67.** (A) There is hereby created in the state 401  
treasury the drug law enforcement fund. Sums collected as court 402  
costs imposed pursuant to section 2949.094 of the Revised Code 403  
shall be credited to the fund. Money in the fund shall be in an 404  
interest-bearing account, and the division of criminal justice 405  
services shall use the interest earnings to pay the costs and 406  
expenses that it incurs in administering the fund. The division of 407  
criminal justice services shall use money in the fund for the 408  
following purposes: 409

(1) To award grants to local law enforcement task forces 410  
located in this state to defray their expenses in performing their 411  
duties related to the enforcement of state drug laws and other 412  
state laws related to illegal drug activity; 413

(2) To pay the costs and expenses that the division and the 414  
drug law enforcement fund advisory committee that is created under 415

section 5502.68 of the Revised Code incur in performing their 416  
respective duties under that section. 417

(B) Subject to the approval of the director of public safety, 418  
the division may adopt rules pursuant to Chapter 119. of the 419  
Revised Code to implement this section and section 5502.68 of the 420  
Revised Code. 421

**Sec. 5502.68.** (A) There is hereby created in the division of 422  
criminal justice services the drug law enforcement fund advisory 423  
committee. The advisory committee consists of the following 424  
persons or their respective designees: 425

(1) The president of the Ohio prosecuting attorneys 426  
association; 427

(2) The president of the Ohio association of chiefs of 428  
police; 429

(3) The president of the buckeye state sheriffs association; 430

(4) The president of the Ohio task force commanders 431  
association. 432

(B) A member of the advisory committee who ceases to be the 433  
president of that member's association ceases to be a member of 434  
the committee unless that member is the designee of the current 435  
president of the association to the committee. The committee shall 436  
elect a chairperson from among its members and shall meet at least 437  
quarterly and at any other time at the call of the chairperson. 438  
The members of the committee shall serve without compensation, but 439  
each member shall be reimbursed for actual and necessary expenses 440  
incurred in the performance of the member's official duties. The 441  
committee shall submit an annual report of its activities to the 442  
division of criminal justice services. 443

(C) The division of criminal justice services shall establish 444  
a procedure in which a local law enforcement task force located in 445

this state may apply to the division for money from the drug law 446  
enforcement fund to defray the expenses that the local law 447  
enforcement task force incurs in performing its duties related to 448  
the enforcement of the state drug laws and other state laws 449  
related to illegal drug activity. The drug law enforcement fund 450  
advisory committee shall make annual general funding 451  
recommendations to the division. The division shall make the final 452  
determination regarding each application for money from the fund. 453  
The division may approve an application for full funding, approve 454  
an application for partial funding, or reject an application. 455

**Section 2.** That existing sections 2949.092, 5502.01, 5502.61, 456  
and 5502.62 of the Revised Code are hereby repealed. 457