

**As Introduced**

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

**S. B. No. 23**

**Senator Goodman**

**Cosponsors: Senators Stivers, Coughlin, Clancy, Gardner, Niehaus,  
Jacobson, Padgett, Carey, Mumper, Smith, Austria**

—

**A BILL**

To amend section 2929.18 and to enact sections 1  
2905.31, 2905.32, 2905.33, 2905.34, and 2905.35 of 2  
the Revised Code to prohibit involuntary 3  
servitude, sexual servitude of a minor, and 4  
trafficking in persons for forced labor or 5  
services and to amend the version of section 6  
2929.18 of the Revised Code that is scheduled to 7  
take effect on July 1, 2007, to continue the 8  
provisions of this act on and after that effective 9  
date. 10

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

**Section 1.** That section 2929.18 be amended and sections 11  
2905.31, 2905.32, 2905.33, 2905.34, and 2905.35 of the Revised 12  
Code be enacted to read as follows: 13

**Sec. 2905.31.** (A) As used in sections 2905.31 to 2905.34 of 14  
the Revised Code: 15

(1) "Labor" means work of economic or financial value. 16

(2) "Services" means an ongoing relationship between a person 17  
and the actor in which the person performs activities under the 18

supervision of or for the benefit of the actor. 19

Sec. 2905.32. (A) No person shall knowingly subject another 20  
person to forced labor or services by doing any of the following 21  
in a manner not otherwise prohibited by division (B)(3) of section 22  
2905.01 or division (A)(3) of section 2905.02 of the Revised Code: 23

(1) Causing or threatening to cause physical harm to any 24  
person; 25

(2) Physically restraining or threatening to physically 26  
restrain another person; 27

(3) Abusing or threatening to abuse the law or legal process; 28

(4) Knowingly destroying, concealing, removing, confiscating, 29  
or possessing any actual or purported passport or other 30  
immigration document, or any other actual or purported government 31  
identification document; 32

(5) By committing a violation of section 2905.11 of the 33  
Revised Code or causing or threatening to cause financial harm to 34  
any person. 35

(B) Whoever violates this section is guilty of involuntary 36  
servitude. A violation of division (A)(1) of this section is a 37  
felony of the first degree, and the court may impose a term of 38  
years not to exceed ten years in addition to the penalty imposed 39  
for a felony of the first degree. A violation of division (A)(2) 40  
of this section is a felony of the second degree, and the court 41  
may impose a term of years not to exceed seven years in addition 42  
to the penalty imposed for a felony of the second degree. A 43  
violation of division (A)(3) of this section is a felony of the 44  
third degree, and the court may impose a term of years not to 45  
exceed five years in addition to the penalty imposed for a felony 46  
of the third degree. A violation of division (A)(4) of this 47  
section is a felony of the third degree. A violation of division 48

(A)(5) of this section is a felony of the fifth degree, and the 49  
court may impose a term of years not to exceed two years in 50  
addition to the penalty imposed for a felony of the fifth degree. 51

Sec. 2905.33. (A) No person, in a manner that is not 52  
otherwise prohibited by section 2907.21, 2907.22, 2907.32, 53  
2907.321, 2907.322, or 2907.323 of the Revised Code, shall do 54  
either of the following: 55

(1) Knowingly recruit, entice, harbor, transport, provide, or 56  
obtain by any means, another person under eighteen years of age, 57  
knowing that the other person will engage in prostitution, a 58  
sexually-explicit performance, or the production of pornography; 59

(2) Knowingly cause a person under eighteen years of age to 60  
engage in prostitution, a sexually-explicit performance, or the 61  
production of pornography. 62

(B) Whoever violates this section is guilty of sexual 63  
servitude of a minor. If the victim of the offense is between 64  
sixteen years of age and eighteen years of age and the violation 65  
does not involve overt force or threat of force, sexual servitude 66  
of a minor is a felony of the first degree, and the court may 67  
impose a term of years not to exceed five years in addition to the 68  
penalty for a felony of the first degree. If the victim of the 69  
offense has not reached sixteen years of age and the violation 70  
does not involve overt force or threat of force, sexual servitude 71  
of a minor is a felony of the first degree, and the court may 72  
impose a term of years not to exceed ten years in addition to the 73  
penalty for a felony of the first degree. If the violation does 74  
involve overt force or threat of force, sexual servitude of a 75  
minor is a felony of the first degree, and the court may impose a 76  
term of years not to exceed fifteen years in addition to the 77  
penalty for a felony of the first degree. 78

Sec. 2905.34. (A) No person shall knowingly do either of the 79  
following: 80

(1) Intending or knowing that the person will be subjected to 81  
forced labor or services, recruit, entice, harbor, transport, 82  
provide, or obtain by any means another person; 83

(2) Benefit financially or receive anything of value from 84  
participation in a venture that results in a violation of section 85  
2905.32 or 2905.33 of the Revised Code. 86

(B) Whoever violates this section is guilty of trafficking in 87  
persons for forced labor or services, a felony of the first 88  
degree. The court may impose a term of years not to exceed five 89  
years in addition to the penalty for a felony of the first degree. 90

Sec. 2905.35. (A) The attorney general, in consultation with 91  
the department of job and family services and not later than one 92  
year from the effective date of this section, shall issue a report 93  
outlining how existing victim protection laws and regulations 94  
respond to the needs of victims of a violation of section 2905.32, 95  
2905.33, or 2905.34 of the Revised Code and suggesting areas of 96  
improvement and modification of existing victim protection laws. 97

(B) The department of job and family services, in 98  
consultation with the attorney general and not later than one year 99  
from the effective date of this section, shall issue a report 100  
outlining how existing social service programs respond or fail to 101  
respond to the needs of victims of a violation of section 2905.32, 102  
2905.33, or 2905.34 of the Revised Code and the interplay of 103  
existing social service programs with federally funded victim 104  
service programs and suggesting areas of improvement and 105  
modification of existing social service programs. 106

Sec. 2929.18. (A) Except as otherwise provided in this 107

division and in addition to imposing court costs pursuant to 108  
section 2947.23 of the Revised Code, the court imposing a sentence 109  
upon an offender for a felony may sentence the offender to any 110  
financial sanction or combination of financial sanctions 111  
authorized under this section or, in the circumstances specified 112  
in section 2929.32 of the Revised Code, may impose upon the 113  
offender a fine in accordance with that section. Financial 114  
sanctions that may be imposed pursuant to this section include, 115  
but are not limited to, the following: 116

(1)(a) Restitution by the offender to the victim of the 117  
offender's crime or any survivor of the victim, in an amount based 118  
on the victim's economic loss. If the court imposes restitution, 119  
the court shall order that the restitution be made to the victim 120  
in open court, to the adult probation department that serves the 121  
county on behalf of the victim, to the clerk of courts, or to 122  
another agency designated by the court. If the court imposes 123  
restitution, at sentencing, the court shall determine the amount 124  
of restitution to be made by the offender. If the court imposes 125  
restitution, the court may base the amount of restitution it 126  
orders on an amount recommended by the victim, the offender, a 127  
presentence investigation report, estimates or receipts indicating 128  
the cost of repairing or replacing property, and other 129  
information, provided that the amount the court orders as 130  
restitution shall not exceed the amount of the economic loss 131  
suffered by the victim as a direct and proximate result of the 132  
commission of the offense. If the court decides to impose 133  
restitution, the court shall hold a hearing on restitution if the 134  
offender, victim, or survivor disputes the amount. All restitution 135  
payments shall be credited against any recovery of economic loss 136  
in a civil action brought by the victim or any survivor of the 137  
victim against the offender. 138

If the court imposes restitution, the court may order that 139

the offender pay a surcharge of not more than five per cent of the 140  
amount of the restitution otherwise ordered to the entity 141  
responsible for collecting and processing restitution payments. 142

The victim or survivor may request that the prosecutor in the 143  
case file a motion, or the offender may file a motion, for 144  
modification of the payment terms of any restitution ordered. If 145  
the court grants the motion, it may modify the payment terms as it 146  
determines appropriate. 147

(b) In addition to the sanction imposed under division 148  
(A)(1)(a) of this section, if the offender violates section 149  
2905.32, 2905.33, or 2905.34 of the Revised Code, the court shall 150  
impose restitution including the greater of the following: 151

(i) The gross income or value to the defendant of the 152  
victim's labor or services; 153

(ii) The value of the victim's labor as guaranteed under the 154  
minimum wage and overtime provisions of the "Federal Fair Labor 155  
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, and state 156  
labor laws. 157

(2) Except as provided in division (B)(1), (3), or (4) of 158  
this section, a fine payable by the offender to the state, to a 159  
political subdivision, or as described in division (B)(2) of this 160  
section to one or more law enforcement agencies, with the amount 161  
of the fine based on a standard percentage of the offender's daily 162  
income over a period of time determined by the court and based 163  
upon the seriousness of the offense. A fine ordered under this 164  
division shall not exceed the maximum conventional fine amount 165  
authorized for the level of the offense under division (A)(3) of 166  
this section. 167

(3) Except as provided in division (B)(1), (3), or (4) of 168  
this section, a fine payable by the offender to the state, to a 169  
political subdivision when appropriate for a felony, or as 170

described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:	171 172
(a) For a felony of the first degree, not more than twenty thousand dollars;	173 174
(b) For a felony of the second degree, not more than fifteen thousand dollars;	175 176
(c) For a felony of the third degree, not more than ten thousand dollars;	177 178
(d) For a felony of the fourth degree, not more than five thousand dollars;	179 180
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	181 182
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	183 184
(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	185 186 187
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	188 189 190
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement.	191 192 193 194 195 196
(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation,	197 198 199 200

or another local governmental entity, if, pursuant to section 201  
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 202  
or 2947.19 of the Revised Code and section 2929.37 of the Revised 203  
Code, the board, legislative authority, or other local 204  
governmental entity requires prisoners to reimburse the county, 205  
municipal corporation, or other entity for its expenses incurred 206  
by reason of the prisoner's confinement, and if the court does not 207  
impose a financial sanction under division (A)(5)(a)(ii) of this 208  
section, confinement costs may be assessed pursuant to section 209  
2929.37 of the Revised Code. In addition, the offender may be 210  
required to pay the fees specified in section 2929.38 of the 211  
Revised Code in accordance with that section. 212

(c) Reimbursement by the offender for costs pursuant to 213  
section 2929.71 of the Revised Code. 214

(B)(1) For a first, second, or third degree felony violation 215  
of any provision of Chapter 2925., 3719., or 4729. of the Revised 216  
Code, the sentencing court shall impose upon the offender a 217  
mandatory fine of at least one-half of, but not more than, the 218  
maximum statutory fine amount authorized for the level of the 219  
offense pursuant to division (A)(3) of this section. If an 220  
offender alleges in an affidavit filed with the court prior to 221  
sentencing that the offender is indigent and unable to pay the 222  
mandatory fine and if the court determines the offender is an 223  
indigent person and is unable to pay the mandatory fine described 224  
in this division, the court shall not impose the mandatory fine 225  
upon the offender. 226

(2) Any mandatory fine imposed upon an offender under 227  
division (B)(1) of this section and any fine imposed upon an 228  
offender under division (A)(2) or (3) of this section for any 229  
fourth or fifth degree felony violation of any provision of 230  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 231  
to law enforcement agencies pursuant to division (F) of section 232



2925.03 of the Revised Code. 233

(3) For a fourth degree felony OVI offense and for a third 234  
degree felony OVI offense, the sentencing court shall impose upon 235  
the offender a mandatory fine in the amount specified in division 236  
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 237  
is applicable. The mandatory fine so imposed shall be disbursed as 238  
provided in the division pursuant to which it is imposed. 239

(4) Notwithstanding any fine otherwise authorized or required 240  
to be imposed under division (A)(2) or (3) or (B)(1) of this 241  
section or section 2929.31 of the Revised Code for a violation of 242  
section 2925.03 of the Revised Code, in addition to any penalty or 243  
sanction imposed for that offense under section 2925.03 or 244  
sections 2929.11 to 2929.18 of the Revised Code and in addition to 245  
the forfeiture of property in connection with the offense as 246  
prescribed in sections 2925.42 to 2925.45 of the Revised Code, the 247  
court that sentences an offender for a violation of section 248  
2925.03 of the Revised Code may impose upon the offender a fine in 249  
addition to any fine imposed under division (A)(2) or (3) of this 250  
section and in addition to any mandatory fine imposed under 251  
division (B)(1) of this section. The fine imposed under division 252  
(B)(4) of this section shall be used as provided in division (H) 253  
of section 2925.03 of the Revised Code. A fine imposed under 254  
division (B)(4) of this section shall not exceed whichever of the 255  
following is applicable: 256

(a) The total value of any personal or real property in which 257  
the offender has an interest and that was used in the course of, 258  
intended for use in the course of, derived from, or realized 259  
through conduct in violation of section 2925.03 of the Revised 260  
Code, including any property that constitutes proceeds derived 261  
from that offense; 262

(b) If the offender has no interest in any property of the 263  
type described in division (B)(4)(a) of this section or if it is 264

not possible to ascertain whether the offender has an interest in 265  
any property of that type in which the offender may have an 266  
interest, the amount of the mandatory fine for the offense imposed 267  
under division (B)(1) of this section or, if no mandatory fine is 268  
imposed under division (B)(1) of this section, the amount of the 269  
fine authorized for the level of the offense imposed under 270  
division (A)(3) of this section. 271

(5) Prior to imposing a fine under division (B)(4) of this 272  
section, the court shall determine whether the offender has an 273  
interest in any property of the type described in division 274  
(B)(4)(a) of this section. Except as provided in division (B)(6) 275  
or (7) of this section, a fine that is authorized and imposed 276  
under division (B)(4) of this section does not limit or affect the 277  
imposition of the penalties and sanctions for a violation of 278  
section 2925.03 of the Revised Code prescribed under those 279  
sections or sections 2929.11 to 2929.18 of the Revised Code and 280  
does not limit or affect a forfeiture of property in connection 281  
with the offense as prescribed in sections 2925.42 to 2925.45 of 282  
the Revised Code. 283

(6) If the sum total of a mandatory fine amount imposed for a 284  
first, second, or third degree felony violation of section 2925.03 285  
of the Revised Code under division (B)(1) of this section plus the 286  
amount of any fine imposed under division (B)(4) of this section 287  
does not exceed the maximum statutory fine amount authorized for 288  
the level of the offense under division (A)(3) of this section or 289  
section 2929.31 of the Revised Code, the court may impose a fine 290  
for the offense in addition to the mandatory fine and the fine 291  
imposed under division (B)(4) of this section. The sum total of 292  
the amounts of the mandatory fine, the fine imposed under division 293  
(B)(4) of this section, and the additional fine imposed under 294  
division (B)(6) of this section shall not exceed the maximum 295  
statutory fine amount authorized for the level of the offense 296

under division (A)(3) of this section or section 2929.31 of the Revised Code. The clerk of the court shall pay any fine that is imposed under division (B)(6) of this section to the county, township, municipal corporation, park district as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender pursuant to division (F) of section 2925.03 of the Revised Code.

(7) If the sum total of the amount of a mandatory fine imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code plus the amount of any fine imposed under division (B)(4) of this section exceeds the maximum statutory fine amount authorized for the level of the offense under division (A)(3) of this section or section 2929.31 of the Revised Code, the court shall not impose a fine under division (B)(6) of this section.

(C)(1) The offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by the department of rehabilitation and correction in operating a prison or other facility used to confine offenders pursuant to sanctions imposed under section 2929.14, 2929.142, or 2929.16 of the Revised Code to the treasurer of state. The treasurer of state shall deposit the reimbursements in the confinement cost reimbursement fund that is hereby created in the state treasury. The department of rehabilitation and correction shall use the amounts deposited in the fund to fund the operation of facilities used to confine offenders pursuant to sections 2929.14, 2929.142, and 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the

costs incurred by a county pursuant to any sanction imposed under 329  
this section or section 2929.16 or 2929.17 of the Revised Code or 330  
in operating a facility used to confine offenders pursuant to a 331  
sanction imposed under section 2929.16 of the Revised Code to the 332  
county treasurer. The county treasurer shall deposit the 333  
reimbursements in the sanction cost reimbursement fund that each 334  
board of county commissioners shall create in its county treasury. 335  
The county shall use the amounts deposited in the fund to pay the 336  
costs incurred by the county pursuant to any sanction imposed 337  
under this section or section 2929.16 or 2929.17 of the Revised 338  
Code or in operating a facility used to confine offenders pursuant 339  
to a sanction imposed under section 2929.16 of the Revised Code. 340

(3) Except as provided in section 2951.021 of the Revised 341  
Code, the offender shall pay reimbursements imposed upon the 342  
offender pursuant to division (A)(5)(a) of this section to pay the 343  
costs incurred by a municipal corporation pursuant to any sanction 344  
imposed under this section or section 2929.16 or 2929.17 of the 345  
Revised Code or in operating a facility used to confine offenders 346  
pursuant to a sanction imposed under section 2929.16 of the 347  
Revised Code to the treasurer of the municipal corporation. The 348  
treasurer shall deposit the reimbursements in a special fund that 349  
shall be established in the treasury of each municipal 350  
corporation. The municipal corporation shall use the amounts 351  
deposited in the fund to pay the costs incurred by the municipal 352  
corporation pursuant to any sanction imposed under this section or 353  
section 2929.16 or 2929.17 of the Revised Code or in operating a 354  
facility used to confine offenders pursuant to a sanction imposed 355  
under section 2929.16 of the Revised Code. 356

(4) Except as provided in section 2951.021 of the Revised 357  
Code, the offender shall pay reimbursements imposed pursuant to 358  
division (A)(5)(a) of this section for the costs incurred by a 359  
private provider pursuant to a sanction imposed under this section 360

or section 2929.16 or 2929.17 of the Revised Code to the provider. 361

(D) Except as otherwise provided in this division, a 362  
financial sanction imposed pursuant to division (A) or (B) of this 363  
section is a judgment in favor of the state or a political 364  
subdivision in which the court that imposed the financial sanction 365  
is located, and the offender subject to the financial sanction is 366  
the judgment debtor. A financial sanction of reimbursement imposed 367  
pursuant to division (A)(5)(a)(ii) of this section upon an 368  
offender who is incarcerated in a state facility or a municipal 369  
jail is a judgment in favor of the state or the municipal 370  
corporation, and the offender subject to the financial sanction is 371  
the judgment debtor. A financial sanction of reimbursement imposed 372  
upon an offender pursuant to this section for costs incurred by a 373  
private provider of sanctions is a judgment in favor of the 374  
private provider, and the offender subject to the financial 375  
sanction is the judgment debtor. A financial sanction of 376  
restitution imposed pursuant to this section is an order in favor 377  
of the victim of the offender's criminal act that can be collected 378  
through execution as described in division (D)(1) of this section 379  
or through an order as described in division (D)(2) of this 380  
section, and the offender shall be considered for purposes of the 381  
collection as the judgment debtor. Imposition of a financial 382  
sanction and execution on the judgment does not preclude any other 383  
power of the court to impose or enforce sanctions on the offender. 384  
Once the financial sanction is imposed as a judgment or order 385  
under this division, the victim, private provider, state, or 386  
political subdivision may bring an action to do any of the 387  
following: 388

(1) Obtain execution of the judgment or order through any 389  
available procedure, including: 390

(a) An execution against the property of the judgment debtor 391  
under Chapter 2329. of the Revised Code; 392

(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	393 394
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	395 396
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	397 398 399
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	400 401
(iii) A creditor's suit under section 2333.01 of the Revised Code.	402 403
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	404 405
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	406 407
(2) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	408 409
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	410 411 412 413
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of	414 415 416 417 418 419 420 421 422

amounts due from an offender pursuant to any financial sanction 423  
imposed pursuant to this section or section 2929.32 of the Revised 424  
Code, a court shall comply with sections 307.86 to 307.92 of the 425  
Revised Code. 426

(G) If a court that imposes a financial sanction under 427  
division (A) or (B) of this section finds that an offender 428  
satisfactorily has completed all other sanctions imposed upon the 429  
offender and that all restitution that has been ordered has been 430  
paid as ordered, the court may suspend any financial sanctions 431  
imposed pursuant to this section or section 2929.32 of the Revised 432  
Code that have not been paid. 433

(H) No financial sanction imposed under this section or 434  
section 2929.32 of the Revised Code shall preclude a victim from 435  
bringing a civil action against the offender. 436

**Section 2.** That existing section 2929.18 of the Revised Code 437  
is hereby repealed. 438

**Section 3.** That the version of section 2929.18 of the Revised 439  
Code that is scheduled to take effect on July 1, 2007, be amended 440  
to read as follows: 441

**Sec. 2929.18.** (A) Except as otherwise provided in this 442  
division and in addition to imposing court costs pursuant to 443  
section 2947.23 of the Revised Code, the court imposing a sentence 444  
upon an offender for a felony may sentence the offender to any 445  
financial sanction or combination of financial sanctions 446  
authorized under this section or, in the circumstances specified 447  
in section 2929.32 of the Revised Code, may impose upon the 448  
offender a fine in accordance with that section. Financial 449  
sanctions that may be imposed pursuant to this section include, 450  
but are not limited to, the following: 451

(1)(a) Restitution by the offender to the victim of the 452  
offender's crime or any survivor of the victim, in an amount based 453  
on the victim's economic loss. If the court imposes restitution, 454  
the court shall order that the restitution be made to the victim 455  
in open court, to the adult probation department that serves the 456  
county on behalf of the victim, to the clerk of courts, or to 457  
another agency designated by the court. If the court imposes 458  
restitution, at sentencing, the court shall determine the amount 459  
of restitution to be made by the offender. If the court imposes 460  
restitution, the court may base the amount of restitution it 461  
orders on an amount recommended by the victim, the offender, a 462  
presentence investigation report, estimates or receipts indicating 463  
the cost of repairing or replacing property, and other 464  
information, provided that the amount the court orders as 465  
restitution shall not exceed the amount of the economic loss 466  
suffered by the victim as a direct and proximate result of the 467  
commission of the offense. If the court decides to impose 468  
restitution, the court shall hold a hearing on restitution if the 469  
offender, victim, or survivor disputes the amount. All restitution 470  
payments shall be credited against any recovery of economic loss 471  
in a civil action brought by the victim or any survivor of the 472  
victim against the offender. 473

If the court imposes restitution, the court may order that 474  
the offender pay a surcharge of not more than five per cent of the 475  
amount of the restitution otherwise ordered to the entity 476  
responsible for collecting and processing restitution payments. 477

The victim or survivor may request that the prosecutor in the 478  
case file a motion, or the offender may file a motion, for 479  
modification of the payment terms of any restitution ordered. If 480  
the court grants the motion, it may modify the payment terms as it 481  
determines appropriate. 482

(b) In addition to the sanction imposed under division 483



(A)(1)(a) of this section, if the offender violates section 484  
2905.32, 2905.33, or 2905.34 of the Revised Code, the court shall 485  
impose restitution including the greater of the following: 486

(i) The gross income or value to the defendant of the 487  
victim's labor or services; 488

(ii) The value of the victim's labor as guaranteed under the 489  
minimum wage and overtime provisions of the "Federal Fair Labor 490  
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, and state 491  
labor laws. 492

(2) Except as provided in division (B)(1), (3), or (4) of 493  
this section, a fine payable by the offender to the state, to a 494  
political subdivision, or as described in division (B)(2) of this 495  
section to one or more law enforcement agencies, with the amount 496  
of the fine based on a standard percentage of the offender's daily 497  
income over a period of time determined by the court and based 498  
upon the seriousness of the offense. A fine ordered under this 499  
division shall not exceed the maximum conventional fine amount 500  
authorized for the level of the offense under division (A)(3) of 501  
this section. 502

(3) Except as provided in division (B)(1), (3), or (4) of 503  
this section, a fine payable by the offender to the state, to a 504  
political subdivision when appropriate for a felony, or as 505  
described in division (B)(2) of this section to one or more law 506  
enforcement agencies, in the following amount: 507

(a) For a felony of the first degree, not more than twenty 508  
thousand dollars; 509

(b) For a felony of the second degree, not more than fifteen 510  
thousand dollars; 511

(c) For a felony of the third degree, not more than ten 512  
thousand dollars; 513

(d) For a felony of the fourth degree, not more than five thousand dollars; 514  
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(e) For a felony of the fifth degree, not more than two thousand five hundred dollars. 516  
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(4) A state fine or costs as defined in section 2949.111 of the Revised Code. 518  
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(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following: 520  
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(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code; 523  
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(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement. 526  
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(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A)(5)(a)(ii) of this section, confinement costs may be assessed pursuant to section 532  
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2929.37 of the Revised Code. In addition, the offender may be 545  
required to pay the fees specified in section 2929.38 of the 546  
Revised Code in accordance with that section. 547

(c) Reimbursement by the offender for costs pursuant to 548  
section 2929.71 of the Revised Code. 549

(B)(1) For a first, second, or third degree felony violation 550  
of any provision of Chapter 2925., 3719., or 4729. of the Revised 551  
Code, the sentencing court shall impose upon the offender a 552  
mandatory fine of at least one-half of, but not more than, the 553  
maximum statutory fine amount authorized for the level of the 554  
offense pursuant to division (A)(3) of this section. If an 555  
offender alleges in an affidavit filed with the court prior to 556  
sentencing that the offender is indigent and unable to pay the 557  
mandatory fine and if the court determines the offender is an 558  
indigent person and is unable to pay the mandatory fine described 559  
in this division, the court shall not impose the mandatory fine 560  
upon the offender. 561

(2) Any mandatory fine imposed upon an offender under 562  
division (B)(1) of this section and any fine imposed upon an 563  
offender under division (A)(2) or (3) of this section for any 564  
fourth or fifth degree felony violation of any provision of 565  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 566  
to law enforcement agencies pursuant to division (F) of section 567  
2925.03 of the Revised Code. 568

(3) For a fourth degree felony OVI offense and for a third 569  
degree felony OVI offense, the sentencing court shall impose upon 570  
the offender a mandatory fine in the amount specified in division 571  
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 572  
is applicable. The mandatory fine so imposed shall be disbursed as 573  
provided in the division pursuant to which it is imposed. 574

(4) Notwithstanding any fine otherwise authorized or required 575

to be imposed under division (A)(2) or (3) or (B)(1) of this 576  
section or section 2929.31 of the Revised Code for a violation of 577  
section 2925.03 of the Revised Code, in addition to any penalty or 578  
sanction imposed for that offense under section 2925.03 or 579  
sections 2929.11 to 2929.18 of the Revised Code and in addition to 580  
the forfeiture of property in connection with the offense as 581  
prescribed in Chapter 2981. of the Revised Code, the court that 582  
sentences an offender for a violation of section 2925.03 of the 583  
Revised Code may impose upon the offender a fine in addition to 584  
any fine imposed under division (A)(2) or (3) of this section and 585  
in addition to any mandatory fine imposed under division (B)(1) of 586  
this section. The fine imposed under division (B)(4) of this 587  
section shall be used as provided in division (H) of section 588  
2925.03 of the Revised Code. A fine imposed under division (B)(4) 589  
of this section shall not exceed whichever of the following is 590  
applicable: 591

(a) The total value of any personal or real property in which 592  
the offender has an interest and that was used in the course of, 593  
intended for use in the course of, derived from, or realized 594  
through conduct in violation of section 2925.03 of the Revised 595  
Code, including any property that constitutes proceeds derived 596  
from that offense; 597

(b) If the offender has no interest in any property of the 598  
type described in division (B)(4)(a) of this section or if it is 599  
not possible to ascertain whether the offender has an interest in 600  
any property of that type in which the offender may have an 601  
interest, the amount of the mandatory fine for the offense imposed 602  
under division (B)(1) of this section or, if no mandatory fine is 603  
imposed under division (B)(1) of this section, the amount of the 604  
fine authorized for the level of the offense imposed under 605  
division (A)(3) of this section. 606

(5) Prior to imposing a fine under division (B)(4) of this 607

section, the court shall determine whether the offender has an interest in any property of the type described in division (B)(4)(a) of this section. Except as provided in division (B)(6) or (7) of this section, a fine that is authorized and imposed under division (B)(4) of this section does not limit or affect the imposition of the penalties and sanctions for a violation of section 2925.03 of the Revised Code prescribed under those sections or sections 2929.11 to 2929.18 of the Revised Code and does not limit or affect a forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code.

(6) If the sum total of a mandatory fine amount imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code under division (B)(1) of this section plus the amount of any fine imposed under division (B)(4) of this section does not exceed the maximum statutory fine amount authorized for the level of the offense under division (A)(3) of this section or section 2929.31 of the Revised Code, the court may impose a fine for the offense in addition to the mandatory fine and the fine imposed under division (B)(4) of this section. The sum total of the amounts of the mandatory fine, the fine imposed under division (B)(4) of this section, and the additional fine imposed under division (B)(6) of this section shall not exceed the maximum statutory fine amount authorized for the level of the offense under division (A)(3) of this section or section 2929.31 of the Revised Code. The clerk of the court shall pay any fine that is imposed under division (B)(6) of this section to the county, township, municipal corporation, park district as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender pursuant to division (F) of section 2925.03 of the Revised Code.

(7) If the sum total of the amount of a mandatory fine 641  
imposed for a first, second, or third degree felony violation of 642  
section 2925.03 of the Revised Code plus the amount of any fine 643  
imposed under division (B)(4) of this section exceeds the maximum 644  
statutory fine amount authorized for the level of the offense 645  
under division (A)(3) of this section or section 2929.31 of the 646  
Revised Code, the court shall not impose a fine under division 647  
(B)(6) of this section. 648

(C)(1) The offender shall pay reimbursements imposed upon the 649  
offender pursuant to division (A)(5)(a) of this section to pay the 650  
costs incurred by the department of rehabilitation and correction 651  
in operating a prison or other facility used to confine offenders 652  
pursuant to sanctions imposed under section 2929.14, 2929.142, or 653  
2929.16 of the Revised Code to the treasurer of state. The 654  
treasurer of state shall deposit the reimbursements in the 655  
confinement cost reimbursement fund that is hereby created in the 656  
state treasury. The department of rehabilitation and correction 657  
shall use the amounts deposited in the fund to fund the operation 658  
of facilities used to confine offenders pursuant to sections 659  
2929.14, 2929.142, and 2929.16 of the Revised Code. 660

(2) Except as provided in section 2951.021 of the Revised 661  
Code, the offender shall pay reimbursements imposed upon the 662  
offender pursuant to division (A)(5)(a) of this section to pay the 663  
costs incurred by a county pursuant to any sanction imposed under 664  
this section or section 2929.16 or 2929.17 of the Revised Code or 665  
in operating a facility used to confine offenders pursuant to a 666  
sanction imposed under section 2929.16 of the Revised Code to the 667  
county treasurer. The county treasurer shall deposit the 668  
reimbursements in the sanction cost reimbursement fund that each 669  
board of county commissioners shall create in its county treasury. 670  
The county shall use the amounts deposited in the fund to pay the 671  
costs incurred by the county pursuant to any sanction imposed 672

under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(4) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A)(5)(a) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code to the provider.

(D) Except as otherwise provided in this division, a financial sanction imposed pursuant to division (A) or (B) of this section is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(5)(a)(ii) of this section upon an offender who is incarcerated in a state facility or a municipal

jail is a judgment in favor of the state or the municipal corporation, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed upon an offender pursuant to this section for costs incurred by a private provider of sanctions is a judgment in favor of the private provider, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to this section is an order in favor of the victim of the offender's criminal act that can be collected through execution as described in division (D)(1) of this section or through an order as described in division (D)(2) of this section, and the offender shall be considered for purposes of the collection as the judgment debtor. Imposition of a financial sanction and execution on the judgment does not preclude any other power of the court to impose or enforce sanctions on the offender. Once the financial sanction is imposed as a judgment or order under this division, the victim, private provider, state, or political subdivision may bring an action to do any of the following:

(1) Obtain execution of the judgment or order through any available procedure, including:

(a) An execution against the property of the judgment debtor under Chapter 2329. of the Revised Code;

(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;

(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:

(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;

(ii) A proceeding for attachment of the person of the



judgment debtor under section 2333.28 of the Revised Code;	736
(iii) A creditor's suit under section 2333.01 of the Revised Code.	737 738
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	739 740
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	741 742
(2) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	743 744
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	745 746 747 748
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	749 750 751 752 753 754 755 756 757 758 759 760 761
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial sanctions	762 763 764 765 766

imposed pursuant to this section or section 2929.32 of the Revised Code that have not been paid. 767  
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(H) No financial sanction imposed under this section or 769  
section 2929.32 of the Revised Code shall preclude a victim from 770  
bringing a civil action against the offender. 771

**Section 4.** That the existing version of section 2929.18 of 772  
the Revised Code that is scheduled to take effect on July 1, 2007, 773  
is hereby repealed. 774

**Section 5.** Sections 3 and 4 of this act shall take effect on 775  
July 1, 2007. 776

**Section 6.** Section 2929.18 of the Revised Code is presented 777  
in Section 3 of this act as a composite of the section as amended 778  
by both Sub. H.B. 241 and Am. Sub. H.B. 461 of the 126th General 779  
Assembly. The General Assembly, applying the principle stated in 780  
division (B) of section 1.52 of the Revised Code that amendments 781  
are to be harmonized if reasonably capable of simultaneous 782  
operation, finds that the composite is the resulting version of 783  
the section in effect prior to the effective date of the section 784  
as presented in Section 3 of this act. 785