

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 488**

**Representatives Baker, Slaby**

**Cosponsors: Representatives Antonio, Boyd, Derickson, Foley, Gardner,  
Gonzales, Hagan, C., Letson, Stebelton**

—

**A B I L L**

To amend sections 109.91, 2743.70, and 2949.092 and 1  
to enact sections 109.921 and 2949.095 of the 2  
Revised Code to generally impose an additional 3  
court cost of \$100 for a felony or misdemeanor in 4  
cases in which a person is convicted of a sexually 5  
oriented offense; to require the deposit of the 6  
additional court cost into the Rape Crisis Program 7  
Trust Fund administered by the Attorney General; 8  
to fund rape crisis centers out of the Fund; to 9  
increase to \$50 for a felony and \$15 for a 10  
misdemeanor the additional court cost that is 11  
charged to fund the Reparations Fund; and to add a 12  
representative of rape crisis centers as a member 13  
of the State Victims Assistance Advisory 14  
Committee. 15

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

**Section 1.** That sections 109.91, 2743.70, and 2949.092 be 16  
amended and sections 109.921 and 2949.095 of the Revised Code be 17  
enacted to read as follows: 18

Sec. 109.91. (A) There is hereby established within the 19  
office of the attorney general the crime victims assistance 20  
office. 21

(B) There is hereby established the state victims assistance 22  
advisory council. The council shall consist of a chairperson, to 23  
be appointed by the attorney general, three ex officio members, 24  
and fifteen members to be appointed by the attorney general as 25  
follows: one member who represents the Ohio victim-witness 26  
association; three members who represent local victim assistance 27  
programs, including one from a municipally operated program and 28  
one from a county-operated program; one member who represents the 29  
interests of elderly victims; one member who is a board member of 30  
any statewide or local organization that exists primarily to aid 31  
victims of domestic violence, or who is an employee of, or 32  
counselor for, such an organization; one member who represents 33  
rape crisis centers; one member who is an employee or officer of a 34  
county probation department or a probation department operated by 35  
the department of rehabilitation and correction; one member who is 36  
a county prosecuting attorney; one member who is a city law 37  
director; one member who is a county sheriff; one member who is a 38  
member or officer of a township or municipal police department; 39  
one member who is a court of common pleas judge; one member who is 40  
a municipal court judge or county court judge; and two members who 41  
are private citizens and are not government employees. 42

The council shall include the following ex officio, nonvoting 43  
members: the attorney general, one member of the senate to be 44  
designated by the president of the senate, and one member of the 45  
house of representatives to be designated by the speaker of the 46  
house. 47

Members of the council shall serve without compensation, but 48  
shall be reimbursed for travel and other necessary expenses that 49

are incurred in the conduct of their official duties as members of 50  
the council. The chairperson and members of the council appointed 51  
by the attorney general shall serve at the pleasure of the 52  
attorney general. The attorney general shall serve on the council 53  
until the end of the term of office that qualified the attorney 54  
general for membership on the council. The member of the senate 55  
and the member of the house of representatives shall serve at the 56  
pleasure of the president of the senate and the speaker of the 57  
house of representatives, respectively. 58

(C) The victims assistance advisory council shall perform 59  
both of the following duties: 60

(1) Advise the crime victims assistance office in determining 61  
crime and delinquency victim service needs, determining crime and 62  
delinquency victim policies for the state, and improving and 63  
exercising leadership in the quality of crime and delinquency 64  
victim programs in the state; 65

(2) Review and recommend to the crime victims assistance 66  
office the victim assistance programs that should be considered 67  
for the receipt of state financial assistance pursuant to section 68  
109.92 of the Revised Code. The financial assistance allocation 69  
recommendations of the council shall be based on the following 70  
priorities: 71

(a) Programs in existence on July 1, 1985, shall be given 72  
first priority; 73

(b) Programs offering or proposing to offer the broadest 74  
range of services and referrals to the community served, including 75  
medical, psychological, financial, educational, vocational, and 76  
legal services that were not in existence on July 1, 1985, shall 77  
be given second priority; 78

(c) Other qualified programs shall be given last priority. 79

(D) As used in this section and section 109.92 of the Revised 80

Code, "victim assistance program" includes, but is not limited to 81  
a program that provides at least one of the following: 82

(1) Services to victims of any offense of violence or 83  
delinquent act that would be an offense of violence if committed 84  
by an adult; 85

(2) Financial assistance or property repair services to 86  
victims of crime or delinquent acts; 87

(3) Assistance to victims of crime or delinquent acts in 88  
judicial proceedings; 89

(4) Assistance to victims of crime or delinquent acts under 90  
the operation of any political subdivision of the state or a 91  
branch of the criminal justice system set forth in division 92  
(B)(1)(a), (b), or (c) of section 5502.61 of the Revised Code; 93

(5) Technical assistance to persons or organizations that 94  
provide services to victims of crime or delinquent acts under the 95  
operation of a branch of the criminal justice system set forth in 96  
division (B)(1)(a), (b), or (c) of section 5502.61 of the Revised 97  
Code. 98

A victim assistance program does not include the program for 99  
the reparation of crime victims established pursuant to Chapter 100  
2743. of the Revised Code. 101

(E) As used in this section, "rape crisis centers" means 102  
organizations and entities that operate in this state and that 103  
provide one or more of the services specified in division (D) of 104  
section 109.921 of the Revised Code to or for victims of sexual 105  
assault, as defined in that section. 106

**Sec. 109.921.** (A) As used in this section: 107

(1) "Eligible rape crisis center" means an organization or 108  
entity that operates in this state and that provides one or more 109  
of the services specified in division (D) of this section to or 110

for victims of sexual assault. 111

(2) "Sexual assault" means any of the following: 112

(a) A violation of section 2907.02, 2907.03, 2907.04, 113

2907.05, or former section 2907.12 of the Revised Code; 114

(b) A violation of an existing or former municipal ordinance 115

or law of this or any other state or the United States that is or 116

was substantially equivalent to any section listed in division 117

(A)(2)(a) of this section. 118

(B) There is hereby created in the state treasury the rape 119

crisis program trust fund, consisting of moneys paid into the fund 120

pursuant to section 2949.095 of the Revised Code out of the 121

additional court costs imposed under that section and any moneys 122

appropriated to the fund by the general assembly. The attorney 123

general shall administer the fund. The attorney general may use 124

not more than five per cent of the moneys deposited or 125

appropriated into the fund to pay costs associated with 126

administering this section and shall use at least ninety-five per 127

cent of the moneys deposited or appropriated into the fund for the 128

purpose of providing funding to eligible rape crisis centers under 129

this section. 130

(C) The attorney general shall adopt rules under Chapter 119. 131

of the Revised Code that establish procedures for eligible rape 132

crisis centers to apply to the attorney general for funding out of 133

the rape crisis program trust fund and procedures for the attorney 134

general to distribute money out of the fund to eligible rape 135

crisis centers. 136

(D) An eligible rape crisis center that receives funding out 137

of the rape crisis program trust fund shall use the money received 138

only to provide one or more of the following services to or for 139

victims of sexual assault: 140

(1) A telephone hotline; 141

<u>(2) Information and referral services;</u>	142
<u>(3) Crisis-intervention services;</u>	143
<u>(4) Advocacy and support services;</u>	144
<u>(5) Therapy services;</u>	145
<u>(6) Service coordination;</u>	146
<u>(7) Programs to promote community awareness of available services;</u>	147 148
<u>(8) Medical intervention.</u>	149
 <b>Sec. 2743.70.</b> (A)(1) The court, in which any person is convicted of or pleads guilty to any offense other than a traffic offense that is not a moving violation, shall impose the following sum as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender:	150 151 152 153 154
(a) <del>Thirty</del> <u>Fifty</u> dollars, if the offense is a felony;	155
(b) <del>Nine</del> <u>Fifteen</u> dollars, if the offense is a misdemeanor.	156
The court shall not waive the payment of the <del>thirty fifty- or nine-dollars</del> <u>fifteen-dollar</u> court <del>costs</del> <u>cost</u> , unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender. All such moneys shall be transmitted on the first business day of each month by the clerk of the court to the treasurer of state and deposited by the treasurer in the reparations fund.	157 158 159 160 161 162 163
(2) The juvenile court in which a child is found to be a delinquent child or a juvenile traffic offender for an act which, if committed by an adult, would be an offense other than a traffic offense that is not a moving violation, shall impose the following sum as costs in the case in addition to any other court costs that the court is required or permitted by law to impose upon the delinquent child or juvenile traffic offender:	164 165 166 167 168 169 170

(a) ~~Thirty~~ Fifty dollars, if the act, if committed by an adult, would be a felony;

(b) ~~Nine~~ Fifteen dollars, if the act, if committed by an adult, would be a misdemeanor.

The ~~thirty fifty-~~ or ~~nine-dollars~~ fifteen-dollar court ~~costs~~ cost shall be collected in all cases unless the court determines the juvenile is indigent and waives the payment of all court costs, or enters an order on its journal stating that it has determined that the juvenile is indigent, that no other court costs are to be taxed in the case, and that the payment of the ~~thirty fifty-~~ or ~~nine-dollars~~ fifteen-dollar court ~~costs~~ cost is waived. 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 and deposited by the treasurer in the reparations fund.

(B) Whenever a person is charged with any offense other than a traffic offense that is not a moving violation and posts bail pursuant to sections 2937.22 to 2937.46 of the Revised Code, Criminal Rule 46, or Traffic Rule 4, the court shall add to the amount of the bail the ~~thirty fifty~~ or nine fifteen dollars required to be paid by division (A)(1) of this section. The ~~thirty fifty~~ or nine fifteen dollars shall be retained by the clerk of the court until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the person is convicted, pleads guilty, or forfeits bail, the clerk shall transmit the ~~thirty fifty~~ or nine fifteen dollars to the treasurer of state, who shall deposit it in the reparations fund. If the person is found not guilty or the charges are dismissed, the clerk shall return the ~~thirty fifty~~ or nine fifteen dollars to the person.

(C) No person shall be placed or held in jail for failing to pay the additional ~~thirty fifty-~~ or ~~nine-dollars~~ fifteen-dollar

court ~~costs~~ cost or bail ~~that are~~ required to be paid by this 203  
section. 204

(D) As used in this section: 205

(1) "Moving violation" means any violation of any statute or 206  
ordinance, other than section 4513.263 of the Revised Code or an 207  
ordinance that is substantially equivalent to that section, that 208  
regulates the operation of vehicles, streetcars, or trackless 209  
trolleys on highways or streets or that regulates size or load 210  
limitations or fitness requirements of vehicles. "Moving 211  
violation" does not include the violation of any statute or 212  
ordinance that regulates pedestrians or the parking of vehicles. 213

(2) "Bail" means cash, a check, a money order, a credit card, 214  
or any other form of money that is posted by or for an offender 215  
pursuant to sections 2937.22 to 2937.46 of the Revised Code, 216  
Criminal Rule 46, or Traffic Rule 4 to prevent the offender from 217  
being placed or held in a detention facility, as defined in 218  
section 2921.01 of the Revised Code. 219

**Sec. 2949.092.** If a person is convicted of or pleads guilty 220  
to an offense and the court specifically is required, pursuant to 221  
section 2743.70, 2949.091, 2949.093, ~~or~~ 2949.094, or 2949.095 of 222  
the Revised Code or pursuant to any other section of the Revised 223  
Code to impose a specified sum of money as costs in the case in 224  
addition to any other costs that the court is required or 225  
permitted by law to impose in the case, the court shall not waive 226  
the payment of the specified additional court costs that the 227  
section of the Revised Code specifically requires the court to 228  
impose unless the court determines that the offender is indigent 229  
and the court waives the payment of all court costs imposed upon 230  
the offender. 231

**Sec. 2949.095.** (A) The court in which any person is convicted 232



of or pleads guilty to any sexually oriented offense shall impose 233  
the sum of one hundred dollars as costs in the case in addition to 234  
any other court costs that the court is required by law to impose 235  
upon the offender. 236

The clerk may retain one dollar out of each one 237  
hundred-dollar court cost collected under this division as a 238  
service charge of the clerk's office. The clerk of the court shall 239  
transmit on or before the twentieth day of the following month all 240  
moneys collected pursuant to this division during a month, after 241  
deduction of any service charges allowed and retained under this 242  
division, to the treasurer of state. The treasurer of state shall 243  
deposit all moneys received pursuant to this section into the 244  
state treasury to the credit of the rape crisis trust fund 245  
established under section 109.921 of the Revised Code. The court 246  
shall not waive the payment of the additional one hundred-dollar 247  
court cost unless the court determines that the offender is 248  
indigent and waives the payment of all court costs imposed upon 249  
the indigent offender. 250

(B) Whenever a person is charged with any sexually oriented 251  
offense and posts bail, the court shall add to the amount of the 252  
bail the one hundred dollars required to be paid by division (A) 253  
of this section. The clerk of the court shall retain the one 254  
hundred dollars until the person is convicted, pleads guilty, 255  
forfeits bail, is found not guilty, or has the charges dismissed. 256  
If the person is convicted, pleads guilty, or forfeits bail, the 257  
clerk may retain one dollar out of each one hundred-dollar court 258  
cost collected under this division as a service charge of the 259  
clerk's office. The clerk shall transmit the one hundred dollars, 260  
after deduction of any service charges allowed and retained under 261  
this division, on or before the twentieth day of the month 262  
following the month in which the person was convicted, pleaded 263  
guilty, or forfeited bail to the treasurer of state. The treasurer 264

of state shall deposit that money into the state treasury to the 265  
credit of the rape crisis trust fund established under section 266  
109.921 of the Revised Code. If the person is found not guilty or 267  
the charges are dismissed, the clerk shall return the one hundred 268  
dollars to the person. 269

(C) No person shall be placed or held in a detention facility 270  
for failing to pay the additional one hundred-dollar court cost or 271  
bail required to be paid by this section. 272

(D) As used in this section: 273

(1) "Bail" has the same meaning as in section 2743.70 of the 274  
Revised Code. 275

(2) "Sexually oriented offense" has the same meaning as in 276  
section 2950.01 of the Revised Code. 277

**Section 2.** That existing sections 109.91, 2743.70, and 278  
2949.092 of the Revised Code are hereby repealed. 279