

As Passed by the House

**129th General Assembly
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Am. H. B. No. 5

Representative Huffman

**Cosponsors: Representatives Okey, Murray, Letson, McKenney, Coley,
Bubp, Carney, Combs, DeGeeter, Derickson, Foley, Garland, Luckie, Mallory,
McClain, Milkovich, O'Brien, Patmon, Pillich, Slaby, Stebelton, Stinziano,
Williams Speaker Batchelder**

—

A B I L L

To amend section 2329.66 and to enact sections 1
2746.01, 2746.02, 2746.03, 2746.04, 2746.05, 2
2746.06, 2746.07, 2746.08, and 2746.09 of the 3
Revised Code to require the Ohio Judicial 4
Conference periodically to adjust the dollar 5
amounts specified in the general exemption statute 6
and to provide consolidated references to Revised 7
Code sections that establish costs and fees, other 8
than attorney fees, in the courts of record of 9
this state. 10

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

Section 1. That section 2329.66 be amended and sections 11
2746.01, 2746.02, 2746.03, 2746.04, 2746.05, 2746.06, 2746.07, 12
2746.08, and 2746.09 of the Revised Code be enacted to read as 13
follows: 14

Sec. 2329.66. (A) Every person who is domiciled in this state 15
may hold property exempt from execution, garnishment, attachment, 16

or sale to satisfy a judgment or order, as follows: 17

(1)(a) In the case of a judgment or order regarding money 18
owed for health care services rendered or health care supplies 19
provided to the person or a dependent of the person, one parcel or 20
item of real or personal property that the person or a dependent 21
of the person uses as a residence. Division (A)(1)(a) of this 22
section does not preclude, affect, or invalidate the creation 23
under this chapter of a judgment lien upon the exempted property 24
but only delays the enforcement of the lien until the property is 25
sold or otherwise transferred by the owner or in accordance with 26
other applicable laws to a person or entity other than the 27
surviving spouse or surviving minor children of the judgment 28
debtor. Every person who is domiciled in this state may hold 29
exempt from a judgment lien created pursuant to division (A)(1)(a) 30
of this section the person's interest, not to exceed twenty 31
thousand two hundred dollars, in the exempted property. 32

(b) In the case of all other judgments and orders, the 33
person's interest, not to exceed twenty thousand two hundred 34
dollars, in one parcel or item of real or personal property that 35
the person or a dependent of the person uses as a residence. 36

(2) The person's interest, not to exceed three thousand two 37
hundred twenty-five dollars, in one motor vehicle; 38

(3) The person's interest, not to exceed four hundred 39
dollars, in cash on hand, money due and payable, money to become 40
due within ninety days, tax refunds, and money on deposit with a 41
bank, savings and loan association, credit union, public utility, 42
landlord, or other person, other than personal earnings. 43

(4)(a) The person's interest, not to exceed five hundred 44
twenty-five dollars in any particular item or ten thousand seven 45
hundred seventy-five dollars in aggregate value, in household 46
furnishings, household goods, wearing apparel, appliances, books, 47

animals, crops, musical instruments, firearms, and hunting and 48
fishing equipment that are held primarily for the personal, 49
family, or household use of the person; 50

(b) The person's aggregate interest in one or more items of 51
jewelry, not to exceed one thousand three hundred fifty dollars, 52
held primarily for the personal, family, or household use of the 53
person or any of the person's dependents. 54

(5) The person's interest, not to exceed an aggregate of two 55
thousand twenty-five dollars, in all implements, professional 56
books, or tools of the person's profession, trade, or business, 57
including agriculture; 58

(6)(a) The person's interest in a beneficiary fund set apart, 59
appropriated, or paid by a benevolent association or society, as 60
exempted by section 2329.63 of the Revised Code; 61

(b) The person's interest in contracts of life or endowment 62
insurance or annuities, as exempted by section 3911.10 of the 63
Revised Code; 64

(c) The person's interest in a policy of group insurance or 65
the proceeds of a policy of group insurance, as exempted by 66
section 3917.05 of the Revised Code; 67

(d) The person's interest in money, benefits, charity, 68
relief, or aid to be paid, provided, or rendered by a fraternal 69
benefit society, as exempted by section 3921.18 of the Revised 70
Code; 71

(e) The person's interest in the portion of benefits under 72
policies of sickness and accident insurance and in lump sum 73
payments for dismemberment and other losses insured under those 74
policies, as exempted by section 3923.19 of the Revised Code. 75

(7) The person's professionally prescribed or medically 76
necessary health aids; 77

(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	78 79 80
(9) The person's interest in the following:	81
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	82 83
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	84 85
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	86 87
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	88 89
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	90 91 92
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	93 94
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	95 96
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity,	97 98 99 100 101 102 103 104 105 106 107

retirement allowance, or accumulated contributions, the person's 108
right to a participant account in any deferred compensation 109
program offered by the Ohio public employees deferred compensation 110
board, a government unit, or a municipal corporation, or the 111
person's other accrued or accruing rights, as exempted by section 112
145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 113
the Revised Code, and the person's right to benefits from the Ohio 114
public safety officers death benefit fund; 115

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 116
3121.03, and 3123.06 of the Revised Code, the person's right to 117
receive a payment under any pension, annuity, or similar plan or 118
contract, not including a payment from a stock bonus or 119
profit-sharing plan or a payment included in division (A)(6)(b) or 120
(10)(a) of this section, on account of illness, disability, death, 121
age, or length of service, to the extent reasonably necessary for 122
the support of the person and any of the person's dependents, 123
except if all the following apply: 124

(i) The plan or contract was established by or under the 125
auspices of an insider that employed the person at the time the 126
person's rights under the plan or contract arose. 127

(ii) The payment is on account of age or length of service. 128

(iii) The plan or contract is not qualified under the 129
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 130
amended. 131

(c) Except for any portion of the assets that were deposited 132
for the purpose of evading the payment of any debt and except as 133
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 134
3123.06 of the Revised Code, the person's right in the assets held 135
in, or to receive any payment under, any individual retirement 136
account, individual retirement annuity, "Roth IRA," or education 137
individual retirement account that provides benefits by reason of 138

illness, disability, death, or age, to the extent that the assets, 139
payments, or benefits described in division (A)(10)(c) of this 140
section are attributable to any of the following: 141

(i) Contributions of the person that were less than or equal 142
to the applicable limits on deductible contributions to an 143
individual retirement account or individual retirement annuity in 144
the year that the contributions were made, whether or not the 145
person was eligible to deduct the contributions on the person's 146
federal tax return for the year in which the contributions were 147
made; 148

(ii) Contributions of the person that were less than or equal 149
to the applicable limits on contributions to a Roth IRA or 150
education individual retirement account in the year that the 151
contributions were made; 152

(iii) Contributions of the person that are within the 153
applicable limits on rollover contributions under subsections 219, 154
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 155
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 156
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 157

(d) Except for any portion of the assets that were deposited 158
for the purpose of evading the payment of any debt and except as 159
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 160
3123.06 of the Revised Code, the person's right in the assets held 161
in, or to receive any payment under, any Keogh or "H.R. 10" plan 162
that provides benefits by reason of illness, disability, death, or 163
age, to the extent reasonably necessary for the support of the 164
person and any of the person's dependents. 165

(11) The person's right to receive spousal support, child 166
support, an allowance, or other maintenance to the extent 167
reasonably necessary for the support of the person and any of the 168
person's dependents; 169

(12) The person's right to receive, or moneys received during	170
the preceding twelve calendar months from, any of the following:	171
(a) An award of reparations under sections 2743.51 to 2743.72	172
of the Revised Code, to the extent exempted by division (D) of	173
section 2743.66 of the Revised Code;	174
(b) A payment on account of the wrongful death of an	175
individual of whom the person was a dependent on the date of the	176
individual's death, to the extent reasonably necessary for the	177
support of the person and any of the person's dependents;	178
(c) Except in cases in which the person who receives the	179
payment is an inmate, as defined in section 2969.21 of the Revised	180
Code, and in which the payment resulted from a civil action or	181
appeal against a government entity or employee, as defined in	182
section 2969.21 of the Revised Code, a payment, not to exceed	183
twenty thousand two hundred dollars, on account of personal bodily	184
injury, not including pain and suffering or compensation for	185
actual pecuniary loss, of the person or an individual for whom the	186
person is a dependent;	187
(d) A payment in compensation for loss of future earnings of	188
the person or an individual of whom the person is or was a	189
dependent, to the extent reasonably necessary for the support of	190
the debtor and any of the debtor's dependents.	191
(13) Except as provided in sections 3119.80, 3119.81,	192
3121.02, 3121.03, and 3123.06 of the Revised Code, personal	193
earnings of the person owed to the person for services in an	194
amount equal to the greater of the following amounts:	195
(a) If paid weekly, thirty times the current federal minimum	196
hourly wage; if paid biweekly, sixty times the current federal	197
minimum hourly wage; if paid semimonthly, sixty-five times the	198
current federal minimum hourly wage; or if paid monthly, one	199
hundred thirty times the current federal minimum hourly wage that	200

is in effect at the time the earnings are payable, as prescribed 201
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 202
U.S.C. 206(a)(1), as amended; 203

(b) Seventy-five per cent of the disposable earnings owed to 204
the person. 205

(14) The person's right in specific partnership property, as 206
exempted by division (B)(3) of section 1775.24 of the Revised Code 207
or the person's rights in a partnership pursuant to section 208
1776.50 of the Revised Code, except as otherwise set forth in 209
section 1776.50 of the Revised Code; 210

(15) A seal and official register of a notary public, as 211
exempted by section 147.04 of the Revised Code; 212

(16) The person's interest in a tuition unit or a payment 213
under section 3334.09 of the Revised Code pursuant to a tuition 214
payment contract, as exempted by section 3334.15 of the Revised 215
Code; 216

(17) Any other property that is specifically exempted from 217
execution, attachment, garnishment, or sale by federal statutes 218
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 219
U.S.C.A. 101, as amended; 220

(18) The person's aggregate interest in any property, not to 221
exceed one thousand seventy-five dollars, except that division 222
(A)(18) of this section applies only in bankruptcy proceedings. 223

(B) On April 1, 2010, and on the first day of April in each 224
third calendar year after 2010, the Ohio judicial conference shall 225
adjust each dollar amount set forth in this section ~~shall be~~ 226
~~adjusted, when determining the amount that is exempt from~~ 227
~~execution, garnishment, attachment, or sale pursuant to this~~ 228
~~section,~~ to reflect the change in the consumer price index for all 229
urban consumers, as published by the United States department of 230
labor, or, if that index is no longer published, a generally 231

available comparable index, for the three-year period ending on 232
the thirty-first day of December of the preceding year. Any 233
adjustments required by this division shall be rounded to the 234
nearest twenty-five dollars. 235

The Ohio judicial conference shall prepare a memorandum 236
specifying the adjusted dollar amounts. The judicial conference 237
shall transmit the memorandum to the director of the legislative 238
service commission, and the director shall publish the memorandum 239
in the register of Ohio. (Publication of the memorandum in the 240
register of Ohio shall continue until the next memorandum 241
specifying an adjustment is so published.) The judicial conference 242
also may publish the memorandum in any other manner it concludes 243
will be reasonably likely to inform persons who are affected by 244
its adjustment of the dollar amounts. 245

(C) As used in this section: 246

(1) "Disposable earnings" means net earnings after the 247
garnishee has made deductions required by law, excluding the 248
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 249
3121.03, or 3123.06 of the Revised Code. 250

(2) "Insider" means: 251

(a) If the person who claims an exemption is an individual, a 252
relative of the individual, a relative of a general partner of the 253
individual, a partnership in which the individual is a general 254
partner, a general partner of the individual, or a corporation of 255
which the individual is a director, officer, or in control; 256

(b) If the person who claims an exemption is a corporation, a 257
director or officer of the corporation; a person in control of the 258
corporation; a partnership in which the corporation is a general 259
partner; a general partner of the corporation; or a relative of a 260
general partner, director, officer, or person in control of the 261
corporation; 262

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 294
148.01 of the Revised Code. 295

(4) "Government unit" has the same meaning as in section 296
148.06 of the Revised Code. 297

(D) For purposes of this section, "interest" shall be 298
determined as follows: 299

(1) In bankruptcy proceedings, as of the date a petition is 300
filed with the bankruptcy court commencing a case under Title 11 301
of the United States Code; 302

(2) In all cases other than bankruptcy proceedings, as of the 303
date of an appraisal, if necessary under section 2329.68 of the 304
Revised Code, or the issuance of a writ of execution. 305

An interest, as determined under division (D)(1) or (2) of 306
this section, shall not include the amount of any lien otherwise 307
valid pursuant to section 2329.661 of the Revised Code. 308

Sec. 2746.01. A court of record of this state shall tax as 309
costs or otherwise require the payment of fees for the following 310
services rendered or as compensation for the following persons or 311
any other of the following fees that are applicable in a 312
particular case: 313

(A) Appraisers, commissioners, or arbitrators appointed to 314
make or procure an appraisal or valuation of any property, as 315
provided in section 2335.02 of the Revised Code; 316

(B) Auctioneers appointed to conduct any public auction of 317
goods, chattels, or lands required to be sold by an officer of the 318
court, as provided in section 2335.021 of the Revised Code; 319

(C) Commissioners appointed to make partition of lands or to 320
assign dower and appraisers of real or personal property on 321
execution, replevin, or attachment or to fix the value of exempt 322
property, as provided in section 2335.01 of the Revised Code; 323

<u>(D) Deposit of rent with the clerk of court by a resident of</u>	324
<u>a manufactured home park, as provided in section 3733.121 of the</u>	325
<u>Revised Code, or by a tenant of residential premises, as provided</u>	326
<u>in section 5321.08 of the Revised Code;</u>	327
<u>(E) Interpreters, as provided in section 2335.09 of the</u>	328
<u>Revised Code;</u>	329
<u>(F) Fees in a civil action or appeal commenced by an inmate</u>	330
<u>against a government entity or employee, as provided in section</u>	331
<u>2969.22 of the Revised Code;</u>	332
<u>(G) Procurement of a transcript of a judgment or proceeding</u>	333
<u>or exemplification of a record in an appeal or other civil action,</u>	334
<u>as provided in section 2303.21 of the Revised Code;</u>	335
<u>(H) Publication of an advertisement, notice, or proclamation</u>	336
<u>required to be published by a trustee, assignee, executor,</u>	337
<u>administrator, receiver, or other officer of the court or a party</u>	338
<u>in a case or proceeding, as provided in section 7.13 of the</u>	339
<u>Revised Code;</u>	340
<u>(I) Publication of calendars, motion dockets, legal</u>	341
<u>advertisements, and notices, the fees for which are not fixed by</u>	342
<u>law, as provided in section 2701.09 of the Revised Code;</u>	343
<u>(J) Sheriffs, as provided in section 311.17 of the Revised</u>	344
<u>Code;</u>	345
<u>(K) Township constables or members of the police force of a</u>	346
<u>township police district or joint police district, as provided in</u>	347
<u>section 509.15 of the Revised Code;</u>	348
<u>(L) Witnesses, as follows:</u>	349
<u>(1) Fees and mileage in civil cases, as provided in section</u>	350
<u>2335.06 of the Revised Code;</u>	351
<u>(2) Fees and mileage in criminal cases, as provided in</u>	352
<u>section 2335.08 of the Revised Code;</u>	353

(3) Fees in all cases or proceedings not specified in sections 2335.06 and 2335.08 of the Revised Code, as provided in section 2335.05 of the Revised Code; 354
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(4) Fees of municipal police officers in state felony cases, as provided in section 2335.17 of the Revised Code; 357
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(5) Fees in arbitration proceedings, as provided in section 2711.06 of the Revised Code. 359
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(M) In an action to abate a nuisance or to enforce a local code relating to buildings, the expenses of operating and conserving the building, as provided in section 3767.41 of the Revised Code. 361
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Sec. 2746.02. A court of record of this state shall tax as costs or otherwise require the payment of fees for the following services rendered, as compensation for the following persons, or as part of the sentence imposed by the court, or any other of the following fees that are applicable in a particular case: 365
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(A) In a felony case, financial sanctions, as provided in section 2929.18 of the Revised Code; 370
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(B) In any criminal case, the costs of prosecution, as provided in section 2947.23 of the Revised Code; 372
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(C) In a misdemeanor case in which the offender is sentenced to a jail term, the local detention facility is covered by a policy adopted by the facility's governing authority requiring reimbursement for the costs of confinement, and the offender is presented with an itemized bill pursuant to section 2929.37 of the Revised Code for such costs, the costs of confinement, as provided in section 2929.24 of the Revised Code; 374
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(D) In a case in which an offender is sentenced for endangering children in violation of section 2919.22 of the Revised Code, the costs of the offender's supervised community 381
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383

service work, as provided in section 2919.22 of the Revised Code; 384

(E) In a case in which a defendant is charged with any of 385
certain sexual assault or prostitution-related offenses and is 386
found to be suffering from a venereal disease in an infectious 387
stage, the cost of medical treatment, as provided in section 388
2907.27 of the Revised Code; 389

(F) In a case in which a defendant is charged with harassment 390
with a bodily substance, the cost of medical testing, as provided 391
in section 2921.38 of the Revised Code; 392

(G) In a case in which a defendant is charged with violating 393
a protection order in violation of section 2919.27 of the Revised 394
Code or of a municipal ordinance that is substantially similar to 395
that section, the costs of any evaluation and preceding 396
examination of the defendant, as provided in section 2919.271 of 397
the Revised Code; 398

(H) Presentence psychological or psychiatric reports, as 399
provided in section 2947.06 of the Revised Code; 400

(I) In a criminal proceeding, the taking of a deposition of a 401
person who is imprisoned in a detention facility or state 402
correctional institution within this state or who is in the 403
custody of the department of youth services, as provided in 404
section 2945.47 of the Revised Code; 405

(J) In a case in which a person is convicted of or pleads 406
guilty to any offense other than a parking violation or in which a 407
child is found to be a delinquent child or a juvenile traffic 408
offender for an act that, if committed by an adult, would be an 409
offense other than a parking violation, additional costs and bail, 410
if applicable, as provided in sections 2743.70 and 2949.091 of the 411
Revised Code, but subject to waiver as provided in section 412
2949.092 of the Revised Code; 413

(K) In a case in which a person is convicted of or pleads 414

guilty to a moving violation or in which a child is found to be a 415
juvenile traffic offender for an act which, if committed by an 416
adult, would be a moving violation, additional costs and bail, if 417
applicable, as provided in sections 2949.093 and 2949.094 of the 418
Revised Code, but subject to waiver as provided in section 419
2949.092 of the Revised Code; 420

(L) In a case in which a defendant is convicted of abandoning 421
a junk vessel or outboard motor without notifying the appropriate 422
law enforcement officer, the cost incurred by the state or a 423
political subdivision in disposing of the vessel or motor, as 424
provided in section 1547.99 of the Revised Code; 425

(M) The costs of electronic monitoring in the following 426
cases: 427

(1) In a misdemeanor case in which the offender is convicted 428
of any of certain prostitution-related offenses and a 429
specification under section 2941.1421 of the Revised Code, as 430
provided in section 2929.24 of the Revised Code; 431

(2) In a case in which the court issues a criminal protection 432
order against a minor upon a petition alleging that the respondent 433
committed any of certain assault, menacing, or trespass offenses, 434
a sexually oriented offense, or an offense under a municipal 435
ordinance that is substantially equivalent to any of those 436
offenses, as provided in section 2151.34 of the Revised Code; 437

(3) In a case in which the court issues a protection order 438
against an adult upon a petition alleging that the respondent 439
committed menacing by stalking or a sexually oriented offense, as 440
provided in section 2903.214 of the Revised Code; 441

(4) In a case in which an offender is convicted of violating 442
a protection order, as provided in section 2919.27 of the Revised 443
Code; 444

(5) In a case in which the offender is convicted of any 445

sexually oriented offense and is a tier III sex 446
offender/child-victim offender relative to that offense, as 447
provided in section 2929.13 of the Revised Code. 448

(N) In a proceeding for post-conviction relief, a transcript, 449
as provided in section 2953.21 of the Revised Code; 450

(O) In a proceeding for the sealing of a conviction record, 451
the fee provided for in section 2953.32 of the Revised Code. 452

Sec. 2746.03. In addition to any applicable fees or costs set 453
forth in sections 2746.01 and 2746.02 of the Revised Code or any 454
other applicable provision of law, the supreme court, a court of 455
appeals, or the court of claims shall tax as costs or otherwise 456
require the payment of fees for the following services rendered or 457
as compensation for the following persons or any other of the 458
following fees that are applicable in a particular case: 459

(A) In the supreme court, filing fees, as provided in section 460
2503.17 of the Revised Code; 461

(B) In a court of appeals: 462

(1) Fees collectible by the clerk of a court of common pleas 463
when acting as the clerk of the court of appeals of the county, as 464
provided in section 2303.03 of the Revised Code; 465

(2) Additional filing fees or charges for special projects, 466
programs, or services, as provided in section 2501.16 of the 467
Revised Code; 468

(3) Sheriffs or other officers who serve process, as provided 469
in section 2501.19 of the Revised Code; 470

(4) Shorthand reporters, as provided in section 2501.17 of 471
the Revised Code; 472

(5) The expense of preparing and transcribing the record in 473
an appeal to the tenth district court of appeals from a ruling of 474

the director of health under the certificate of need program, as 475
provided in section 3702.60 of the Revised Code. 476

(C) In the court of claims: 477

(1) The fees provided for in section 2743.09 of the Revised 478
Code; 479

(2) Witness fees and mileage, as provided in section 2743.06 480
of the Revised Code. 481

Sec. 2746.04. In addition to any applicable fees or costs set 482
forth in sections 2746.01 and 2746.02 of the Revised Code or any 483
other applicable provision of law, a court of common pleas shall 484
tax as costs or otherwise require the payment of fees for the 485
following services rendered or as compensation for the following 486
persons or any other of the following fees that are applicable in 487
a particular case: 488

(A) The fees provided for in section 2303.20 of the Revised 489
Code; 490

(B) Additional fees to computerize the court, make available 491
computerized legal research services, computerize the office of 492
the clerk of the court, provide financial assistance to legal aid 493
societies, support the office of the state public defender, fund 494
shelters for victims of domestic violence, and special projects of 495
the court, as provided in section 2303.201 and, for a court that 496
has a domestic relations division, section 2301.031 of the Revised 497
Code; 498

(C) Filing for a divorce decree under section 3105.10 or a 499
decree of dissolution under section 3105.65 of the Revised Code, 500
as provided in section 3109.14 of the Revised Code; 501

(D) Filing of a foreign judgment pursuant to section 2329.022 502
of the Revised Code, as provided in section 2329.025 of the 503
Revised Code; 504

<u>(E) Interpreters, as provided in section 2301.14 of the Revised Code;</u>	505 506
<u>(F) Jurors in civil actions, as provided in section 2335.28 of the Revised Code;</u>	507 508
<u>(G) Shorthand reporters, as provided in sections 2301.21 and 2301.24 of the Revised Code;</u>	509 510
<u>(H) In a case involving the operation by a nonresident of a vessel upon the waters in this state, or the operation on the waters in this state of a vessel owned by a nonresident if operated with his consent, actual traveling expenses of the defendant, as provided in section 1547.36 of the Revised Code;</u>	511 512 513 514 515
<u>(I) In a civil case, the expenses of taking a deposition of a person who is imprisoned in a workhouse, juvenile detention facility, jail, or state correctional institution within this state, or who is in the custody of the department of youth services, as provided in section 2317.06 of the Revised Code;</u>	516 517 518 519 520
<u>(J) In proceedings relating to the examination of a judgment debtor under sections 2333.09 to 2333.27 of the Revised Code, compensation for clerks, sheriffs, referees, receivers, and witnesses, as provided in section 2333.27 of the Revised Code;</u>	521 522 523 524
<u>(K) In an appeal from an order of an agency issued pursuant to an adjudication under section 119.12 of the Revised Code, the expense of preparing and transcribing the record;</u>	525 526 527
<u>(L) In a case in which the court issues a protection order upon a petition alleging that the respondent engaged in domestic violence against a family or household member, the cost of supervision of the respondent's exercise of parenting time, visitation, or companionship rights, as provided in section 3113.31 of the Revised Code;</u>	528 529 530 531 532 533
<u>(M) Upon a petition to have a person involuntarily</u>	534

institutionalized, the costs of appointed counsel for the 535
respondent at a full hearing, as provided in section 5123.76 of 536
the Revised Code; 537

(N) In a case before the domestic relations division of the 538
Hamilton county court of common pleas, the expense of serving a 539
summons, warrant, citation, subpoena, or other writ issued to an 540
officer other than a bailiff, constable, or staff investigator of 541
the division, as provided in section 2301.03 of the Revised Code. 542

Sec. 2746.05. In addition to any applicable fees or costs set 543
forth in sections 2746.01, 2746.02, and 2746.04 of the Revised 544
Code or any other applicable provision of law, a juvenile court 545
shall tax as costs or otherwise require the payment of fees for 546
the following services or as compensation for the following 547
persons: 548

(A) The fees provided for in section 2151.54 of the Revised 549
Code; 550

(B) Additional fees to computerize the court, make available 551
computerized legal research services, and computerize the office 552
of the clerk of the court, as provided in sections 2151.541, 553
2153.081, and 2301.031 of the Revised Code; 554

(C) The costs of house arrest with electronic monitoring, as 555
provided in section 2152.19 of the Revised Code; 556

(D) Witness fees, as provided in section 2151.28 of the 557
Revised Code. 558

Sec. 2746.06. In addition to any applicable fees or costs set 559
forth in sections 2746.01, 2746.02, and 2746.04 of the Revised 560
Code or any other applicable provision of law, and subject to any 561
waiver of fees for combat zone casualties under section 2101.164 562
of the Revised Code and any reduction of fees under section 563
2101.20 of the Revised Code, a probate court shall tax as costs or 564

<u>otherwise require the payment of fees for the following services</u>	565
<u>rendered or as compensation for the following persons or any other</u>	566
<u>of the following fees that are applicable in a particular case:</u>	567
<u>(A) The fees provided for in sections 2101.16, 2101.17,</u>	568
<u>2101.18, and 2101.32 of the Revised Code;</u>	569
<u>(B) Additional fees to computerize the court, make available</u>	570
<u>computerized legal research services, and computerize the office</u>	571
<u>of the clerk of the court, as provided in section 2101.162 of the</u>	572
<u>Revised Code;</u>	573
<u>(C) In a proceeding upon the assignment of property in trust</u>	574
<u>for the benefit of creditors, the fees provided for in section</u>	575
<u>1313.52 of the Revised Code;</u>	576
<u>(D) The fees allowable to a special master commissioner under</u>	577
<u>section 2101.07 of the Revised Code;</u>	578
<u>(E) In a proceeding filed pursuant to dispute resolution</u>	579
<u>procedures established by rule of the probate judge, a filing fee,</u>	580
<u>as provided in section 2101.163 of the Revised Code;</u>	581
<u>(F) Costs incident to the appointment of a fiduciary, as</u>	582
<u>provided in section 2101.21 of the Revised Code;</u>	583
<u>(G) A fee for solemnizing a marriage, as provided in section</u>	584
<u>2101.27 of the Revised Code;</u>	585
<u>(H) The additional marriage license fee provided for in</u>	586
<u>section 3113.34 of the Revised Code;</u>	587
<u>(I) The fee for deposit of a will provided for in section</u>	588
<u>2107.07 of the Revised Code;</u>	589
<u>(J) In a proceeding for the appointment of a guardian for an</u>	590
<u>alleged incompetent, physicians and other qualified persons to</u>	591
<u>examine, investigate, or represent the alleged incompetent, as</u>	592
<u>provided in section 2111.031 of the Revised Code;</u>	593

(K) In an action to obtain authority to sell real estate, the fees for failure to enter a release and satisfaction provided for in section 2127.19 of the Revised Code; 594
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(L) In a proceeding in aid of execution, the fees provided for in section 2333.26 and 2333.27 of the Revised Code. 597
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Sec. 2746.07. In addition to any applicable fees or costs set forth in sections 2746.01, 2746.02, and 2746.04 of the Revised Code or any other applicable provision of law, a municipal court shall tax as costs or otherwise require the payment of fees for the following services or as compensation for the following persons: 599
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(A) The fees and costs provided for in section 1901.26 of the Revised Code; 605
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(B) Additional fees to computerize the court, make available computerized legal research services, and computerize the office of the clerk of the court, as provided in section 1901.261 of the Revised Code; 607
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(C) Jurors, as provided in section 1901.25 of the Revised Code; 611
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(D) In proceedings in the small claims division, the fees and costs provided for in sections 1925.02, 1925.04, 1925.05, 1925.11, and 1925.15 of the Revised Code; 613
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(E) In a case in which an accused is brought before the court pursuant to a warrant to keep the peace, an appeal bond, as provided in section 2933.06 of the Revised Code; 616
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(F) In a proceeding filed pursuant to dispute resolution procedures established by rule of the court, a filing fee, as provided in section 1901.262 of the Revised Code; 619
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(G) In a case in which the clerk of the Cleveland municipal court files a copy of a defendant's bond with the county recorder, 622
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the recording fees and charges, as provided in section 1901.21 of 624
the Revised Code; 625

(H) In a criminal case, the expenses of an evaluation of the 626
defendant's competence to stand trial or the defendant's mental 627
condition at the time of the commission of the offense, as 628
provided in section 2945.37 of the Revised Code. 629

Sec. 2746.08. In addition to any applicable fees or costs set 630
forth in sections 2746.01, 2746.02, and 2746.04 of the Revised 631
Code or any other applicable provision of law, a county court 632
shall tax as costs or otherwise require the payment of fees for 633
the following services rendered or as compensation for the 634
following persons or such other of the following fees as are 635
applicable in a particular case: 636

(A) The fees and costs provided for in section 1907.24 of the 637
Revised Code; 638

(B) Additional fees to computerize the court, make available 639
computerized legal research services, and computerize the office 640
of the clerk of the court, as provided in section 1907.261 of the 641
Revised Code; 642

(C) Arbitrators, as provided in section 1907.42 of the 643
Revised Code; 644

(D) Jurors, as provided in section 1907.28 of the Revised 645
Code; 646

(E) Performing a marriage ceremony, as provided in section 647
1907.26 of the Revised Code; 648

(F) Witnesses, as provided in section 1907.27 of the Revised 649
Code; 650

(G) In proceedings in the small claims division, the fees and 651
costs provided for in sections 1925.02, 1925.04, 1925.05, 1925.11, 652
and 1925.15 of the Revised Code; 653

(H) In a case in which an accused is brought before the court pursuant to a warrant to keep the peace, an appeal bond, as provided in section 2933.06 of the Revised Code; 654
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(I) In a proceeding filed pursuant to dispute resolution procedures established by rule of the court, a filing fee, as provided in section 1907.262 of the Revised Code. 657
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Sec. 2746.09. In addition to any other applicable fees or costs set forth in this chapter, a court shall tax as costs or otherwise require the payment of the following fees, costs, or expenses: 660
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(A) The costs and expenses of a receiver allowed by the court under section 323.49 of the Revised Code in a proceeding brought by a county treasurer to be appointed receiver for the purposes of collecting taxes and assessments charged upon real estate; 664
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(B) The expenses of a referee or receiver allowed by the court under section 1334.08 of the Revised Code in an action brought by the attorney general pursuant to that section for a violation of the business opportunity plans act; 668
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(C) The expenses of a referee or receiver allowed by the court under section 1345.07 of the Revised Code in an action brought by the attorney general pursuant to that section for a violation of the consumer sales practices act; 672
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(D) The expenses of a master or receiver allowed by the court under section 5311.27 of the Revised Code in an action brought by the attorney general pursuant to that section for a violation of the condominium act; 676
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(E) Fees to which a receiver appointed under section 2715.20 or 2735.01 of the Revised Code may be entitled; 680
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(F) Fees allowed to a receiver under any applicable rule of court. 682
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Section 2. That existing section 2329.66 of the Revised Code 684
is hereby repealed. 685

Section 3. The Ohio judicial conference shall make and cause 686
publication of the adjustment required by the amendment to section 687
2329.66 of the Revised Code as soon as possible but not later than 688
thirty days after the effective date of this section. 689

Section 4. Section 2329.66 of the Revised Code is presented 690
in this act as a composite of the section as amended by Sub. H.B 691
332, Sub. S.B. 3, and Sub. S.B. 281 of the 127th General Assembly. 692
The General Assembly, applying the principle stated in division 693
(B) of section 1.52 of the Revised Code that amendments are to be 694
harmonized if reasonably capable of simultaneous operation, finds 695
that the composite is the resulting version of the section in 696
effect prior to the effective date of the section as presented in 697
this act. 698