

**As Introduced**

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

**S. B. No. 344**

**Senators Manning, Turner**

**Cosponsors: Senators Kearney, Patton, Tavares**

**—**

**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

(2) Information and referral services; 142

(3) Crisis-intervention services; 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</u>	147
<u>services.</u>	148

**Sec. 2743.70.** (A)(1) The court, in which any person is 149  
convicted of or pleads guilty to any offense other than a traffic 150  
offense that is not a moving violation, shall impose the following 151  
sum as costs in the case in addition to any other court costs that 152  
the court is required by law to impose upon the offender: 153

(a) ~~Thirty~~ Fifty dollars, if the offense is a felony; 154

(b) ~~Nine~~ Fifteen dollars, if the offense is a misdemeanor. 155

The court shall not waive the payment of the ~~thirty fifty-~~ or 156  
~~nine-dollars~~ fifteen-dollar court ~~costs~~ cost, unless the court 157  
determines that the offender is indigent and waives the payment of 158  
all court costs imposed upon the indigent offender. All such 159  
moneys shall be transmitted on the first business day of each 160  
month by the clerk of the court to the treasurer of state and 161  
deposited by the treasurer in the reparations fund. 162

(2) The juvenile court in which a child is found to be a 163  
delinquent child or a juvenile traffic offender for an act which, 164  
if committed by an adult, would be an offense other than a traffic 165  
offense that is not a moving violation, shall impose the following 166  
sum as costs in the case in addition to any other court costs that 167  
the court is required or permitted by law to impose upon the 168  
delinquent child or juvenile traffic offender: 169

(a) ~~Thirty~~ Fifty dollars, if the act, if committed by an 170  
adult, would be a felony; 171

(b) ~~Nine~~ Fifteen dollars, if the act, if committed by an 172

adult, would be a misdemeanor. 173

The ~~thirty fifty-~~ or ~~nine-dollars~~ fifteen-dollar court ~~costs~~ 174  
cost shall be collected in all cases unless the court determines 175  
the juvenile is indigent and waives the payment of all court 176  
costs, or enters an order on its journal stating that it has 177  
determined that the juvenile is indigent, that no other court 178  
costs are to be taxed in the case, and that the payment of the 179  
~~thirty fifty-~~ or ~~nine-dollars~~ fifteen-dollar court ~~costs~~ cost is 180  
waived. All such moneys collected during a month shall be 181  
transmitted on or before the twentieth day of the following month 182  
by the clerk of the court to the treasurer of state and deposited 183  
by the treasurer in the reparations fund. 184

(B) Whenever a person is charged with any offense other than 185  
a traffic offense that is not a moving violation and posts bail 186  
pursuant to sections 2937.22 to 2937.46 of the Revised Code, 187  
Criminal Rule 46, or Traffic Rule 4, the court shall add to the 188  
amount of the bail the ~~thirty fifty~~ or ~~nine~~ fifteen dollars 189  
required to be paid by division (A)(1) of this section. The ~~thirty~~ 190  
fifty or ~~nine~~ fifteen dollars shall be retained by the clerk of 191  
the court until the person is convicted, pleads guilty, forfeits 192  
bail, is found not guilty, or has the charges dismissed. If the 193  
person is convicted, pleads guilty, or forfeits bail, the clerk 194  
shall transmit the ~~thirty fifty~~ or ~~nine~~ fifteen dollars to the 195  
treasurer of state, who shall deposit it in the reparations fund. 196  
If the person is found not guilty or the charges are dismissed, 197  
the clerk shall return the ~~thirty fifty~~ or ~~nine~~ fifteen dollars to 198  
the person. 199

(C) No person shall be placed or held in jail for failing to 200  
pay the additional ~~thirty fifty-~~ or ~~nine-dollars~~ fifteen-dollar 201  
court ~~costs~~ cost or bail ~~that are~~ required to be paid by this 202  
section. 203

(D) As used in this section: 204

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

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

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

**Sec. 2949.095.** (A) The court in which any person is convicted of or pleads guilty to any sexually oriented offense shall impose the sum of one hundred dollars as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender.



The clerk may retain one dollar out of each 236  
one-hundred-dollar court cost collected under this division as a 237  
service charge of the clerk's office. The clerk of the court shall 238  
transmit on or before the twentieth day of the following month all 239  
moneys collected pursuant to this division during a month, after 240  
deduction of any service charges allowed and retained under this 241  
division, to the treasurer of state. The treasurer of state shall 242  
deposit all moneys received pursuant to this section into the 243  
state treasury to the credit of the rape crisis trust fund 244  
established under section 109.921 of the Revised Code. The court 245  
shall not waive the payment of the additional one-hundred-dollar 246  
court cost unless the court determines that the offender is 247  
indigent and waives the payment of all court costs imposed upon 248  
the indigent offender. 249

(B) Whenever a person is charged with any sexually oriented 250  
offense and posts bail, the court shall add to the amount of the 251  
bail the one hundred dollars required to be paid by division (A) 252  
of this section. The clerk of the court shall retain the one 253  
hundred dollars until the person is convicted, pleads guilty, 254  
forfeits bail, is found not guilty, or has the charges dismissed. 255  
If the person is convicted, pleads guilty, or forfeits bail, the 256  
clerk may retain one dollar out of each one-hundred-dollar court 257  
cost collected under this division as a service charge of the 258  
clerk's office. The clerk shall transmit the one hundred dollars, 259  
after deduction of any service charges allowed and retained under 260  
this division, on or before the twentieth day of the month 261  
following the month in which the person was convicted, pleaded 262  
guilty, or forfeited bail to the treasurer of state. The treasurer 263  
of state shall deposit that money into the state treasury to the 264  
credit of the rape crisis trust fund established under section 265  
109.921 of the Revised Code. If the person is found not guilty or 266  
the charges are dismissed, the clerk shall return the one hundred 267  
dollars to the person. 268

<u>(C) No person shall be placed or held in a detention facility</u>	269
<u>for failing to pay the additional one-hundred-dollar court cost or</u>	270
<u>bail required to be paid by this section.</u>	271
<u>(D) As used in this section:</u>	272
<u>(1) "Bail" has the same meaning as in section 2743.70 of the</u>	273
<u>Revised Code.</u>	274
<u>(2) "Sexually oriented offense" has the same meaning as in</u>	275
<u>section 2950.01 of the Revised Code.</u>	276
<b>Section 2.</b> That existing sections 109.91, 2743.70, and	277
2949.092 of the Revised Code are hereby repealed.	278