



H.B. 108

127th General Assembly
(As Introduced)

Rep. Patton

BILL SUMMARY

- Requires any court in which a person is convicted of, pleads guilty to, or is found to be a juvenile traffic offender for a moving violation to impose an additional court cost of \$5 to be transferred to the Drug Law Enforcement Fund administered by the Department of Public Safety's Division of Criminal Justice Services.
- Provides that whenever a person is charged with any offense that is a moving violation and posts bail, the court must add to the amount of bail \$5 that is transferred to the Drug Law Enforcement Fund if the person is convicted of or pleads guilty to a moving violation or forfeits bail.
- Specifies that money in the Drug Law Enforcement Fund must be used (1) to award grants to local law enforcement task forces in Ohio to defray their expenses in performing their duties related to the enforcement of state drug laws and other state laws related to illegal drug activity, and (2) to pay the costs and expenses that the Division of Criminal Justice Services and the Drug Law Enforcement Fund Advisory Committee incur in performing their respective duties.
- Creates the Drug Law Enforcement Fund Advisory Committee within the Division of Criminal Justice Services to make annual funding recommendations to the Division of Criminal Justice Services.

CONTENT AND OPERATION

Imposition of court costs for enforcement of drug laws

The bill requires any court in which a person is convicted of or pleads guilty to a moving violation to impose an additional court cost of \$5 upon the

offender.¹ Additionally, any juvenile court in which a child is found to be a juvenile traffic offender for an act that is a moving violation must impose an additional court cost of \$5 upon the child. The court is prohibited from waiving the payment of the \$5 unless the court determines that the offender or child is indigent and waives the payment of all court costs imposed upon the indigent offender or child. The clerk of the court must transmit all of these additional \$5 court costs collected during a month on the first business day of the following month to the Department of Public Safety's Division of Criminal Justice Services for deposit in the Drug Law Enforcement Fund, which is created by the bill and discussed below in "**Drug Law Enforcement Fund.**"

Additionally, the bill provides that whenever a person is charged with any offense that is a moving violation and posts bail, the court must add to the amount of bail \$5. The clerk of court retains the \$5 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 is required to forward the \$5 to the Department of Public Safety's Division of Criminal Justice Services for deposit in the Drug Law Enforcement Fund. However, if the person is found not guilty or the charges are dismissed, the clerk must return the \$5 to the person.

The bill prohibits any person from being placed or held in a detention facility for failing to pay the required court cost or bail. (R.C. 2949.092 and 2949.094.)

Drug Law Enforcement Fund

The bill creates the Drug Law Enforcement Fund ("Fund") that is funded by the \$5 court costs imposed for moving violations, as discussed above in "**Imposition of court costs for enforcement of drug laws.**" Money in the Fund must be in an interest-bearing account, and the Division of Criminal Justice Services can use the interest earnings to pay the costs and expenses it incurs in administering the Fund. The Division must use the money in the Fund for the following purposes (R.C. 5502.67(A)):

¹ "Moving violation" means any violation of any statute or ordinance, other than R.C. 4513.263 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. (R.C. 2949.094(E)(1), cross referencing R.C. 2949.093.)

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

(2) To pay the costs and expenses that the Division of Criminal Justice Services and the Drug Law Enforcement Fund Advisory Committee, discussed in the following paragraph, incur in performing their respective duties.

The bill creates the Drug Law Enforcement Advisory Committee ("Advisory Committee"). The Advisory Committee makes annual funding recommendations to the Division of Criminal Justice Services and consists of the following persons or their respective designees (R.C. 5502.68(A)):

- (1) The president of the Ohio Prosecuting Attorneys Association;
- (2) The president of the Ohio Association of Chiefs of Police;
- (3) The president of the Buckeye State Sheriffs Association;
- (4) The president of the Ohio Task Force Commanders Association.

The bill provides that a member of the Advisory Committee who ceases to be the president of that member's association ceases to be a member of the Advisory Committee unless that member is the designee of the current president of the association or committee. The Advisory Committee must elect a chairperson from among its members and must meet at least quarterly and at any other time at the call of the chairperson. The members serve without compensation, but each member must be reimbursed for actual and necessary expenses incurred in the performance of the member's official duties. The committee must submit an annual report of its activities to the Division of Criminal Justice Services.

The Division of Criminal Justice Services is required to establish a procedure through which a local law enforcement task force located in Ohio may apply for money from the Fund to defray the expenses that the local law enforcement task force incurs in performing its duties related to the enforcement of the state drug laws and other state laws related to illegal drug activity. The Division makes the final determination regarding each application for money from the Fund. The Division may either approve an application for full funding or partial funding or may reject an application.

The Division of Criminal Justice Services may adopt rules to implement the administration of the Fund and the Advisory Committee if the Director of Public Safety approves. (R.C. 5502.62(B)(19), 5502.67, and 5502.68 and conforming changes in R.C. 5502.01(K), 5502.61, and 5502.62(A).)

HISTORY

ACTION

DATE

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