

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 270

Representatives Young, T., Mathews

**Cosponsors: Representatives Brennan, Johnson, Miller, K., Richardson,
Stoltzfus, Williams, Willis**

A BILL

To amend section 2929.18 and to enact section 1
2125.05 of the Revised Code to require a felony 2
offender of an OVI-caused aggravated vehicular 3
homicide to pay child maintenance when the 4
victim is a parent, legal guardian, or custodian 5
of a minor child, to allow child maintenance to 6
be awarded in a wrongful death action when the 7
offender is deceased, and to name this act the 8
Sam Knisley Family Support Act. 9

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

Section 1. That section 2929.18 be amended and section 10
2125.05 of the Revised Code be enacted to read as follows: 11

Sec. 2125.05. (A) In addition to compensatory damages, a 12
court may award child maintenance in a civil action for wrongful 13
death in a case in which both of the following apply: 14

(1) The wrongful death is found to have been proximately 15
caused by the deceased defendant's felony violation of division 16
(A)(1)(a) of section 2903.06 of the Revised Code. 17

(2) At the time of death, the deceased victim was the parent of at least one surviving minor child. 18
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(B) For each minor child of the victim, the court may order the payment of child maintenance until the child reaches eighteen years of age. 20
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(C) The court shall determine an amount of child maintenance that is reasonable and necessary for the maintenance of each child after considering all relevant factors, including all of the following: 23
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(1) The financial needs and resources of the child; 27

(2) The financial resources and needs of the surviving parent, including the state if the child is in the custody of a public children services agency; 28
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(3) The standard of living to which the child is accustomed; 31
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(4) The physical and emotional condition of the child and the child's educational needs; 33
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(5) The child's physical and legal custody arrangements; 35

(6) The reasonable work-related child care expenses of the surviving parent. 36
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(D) The court shall order that child maintenance payments be made from the defendant's estate to the clerk of courts as trustee for remittance to the child's surviving parent. The clerk shall remit the payments to the surviving parent within three business days of receipt by the clerk. The clerk shall deposit all payments not later than the next business day after receipt. 38
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(E) For purposes of this section, "parent" includes a 45
legal custodian or guardian of a child. 46

Sec. 2929.18. (A) Except as otherwise provided in this 47
division and in addition to imposing court costs pursuant to 48
section 2947.23 of the Revised Code, the court imposing a 49
sentence upon an offender for a felony may sentence the offender 50
to any financial sanction or combination of financial sanctions 51
authorized under this section or, in the circumstances specified 52
in section 2929.32 of the Revised Code, may impose upon the 53
offender a fine in accordance with that section, and shall 54
sentence the offender to make restitution pursuant to this 55
section and section 2929.281 of the Revised Code. The victim has 56
a right not to seek restitution. ~~Financial-However, the court~~ 57
shall order the financial sanction specified in division (A) (2) 58
of this section, if applicable, in addition to any other 59
financial sanction or combination of financial sanctions imposed 60
under this section. Subject to division (A) (2) of this section, 61
financial sanctions that either are required to be or may be 62
imposed pursuant to this section include, but are not limited 63
to, the following: 64

(1) Restitution by the offender to the victim of the 65
offender's criminal offense or the victim's estate, in an amount 66
based on the victim's economic loss. In open court, the court 67
shall order that full restitution be made to the victim, to the 68
adult probation department that serves the county on behalf of 69
the victim, to the clerk of courts, or to another agency 70
designated by the court. At sentencing, the court shall 71
determine the amount of restitution to be made by the offender. 72
The victim, victim's representative, victim's attorney, if 73
applicable, the prosecutor or the prosecutor's designee, and the 74
offender may provide information relevant to the determination 75

of the amount of restitution. The amount the court orders as 76
restitution shall not exceed the amount of the economic loss 77
suffered by the victim as a direct and proximate result of the 78
commission of the offense. If the court imposes restitution for 79
the cost of accounting or auditing done to determine the extent 80
of economic loss, the court may order restitution for any amount 81
of the victim's costs of accounting or auditing provided that 82
the amount of restitution is reasonable and does not exceed the 83
value of property or services stolen or damaged as a result of 84
the offense. The court shall hold a hearing on restitution if 85
the offender, victim, victim's representative, or victim's 86
estate disputes the amount. The court shall determine the amount 87
of full restitution by a preponderance of the evidence. All 88
restitution payments shall be credited against any recovery of 89
economic loss in a civil action brought by the victim or the 90
victim's estate against the offender. 91

The court may order that the offender pay a surcharge of 92
not more than five per cent of the amount of the restitution 93
otherwise ordered to the entity responsible for collecting and 94
processing restitution payments. 95

The victim, victim's estate, or victim's attorney, if 96
applicable, may file a motion or request that the prosecutor in 97
the case file a motion, or the offender may file a motion, for 98
modification of the payment terms of any restitution ordered. If 99
the court grants the motion, it may modify the payment terms as 100
it determines appropriate but shall not reduce the amount of 101
restitution ordered, except as provided in division (A) of 102
section 2929.281 of the Revised Code. The court shall not 103
discharge restitution until it is fully paid by the offender. 104

~~(2) Except~~ (2) (a) For any felony violation of division (A) 105

(1) (a) of section 2903.06 of the Revised Code, the court shall 106
order restitution in the form of child maintenance if the 107
offender was convicted of or pleaded guilty to that violation 108
and at the time of the offense the deceased victim was the 109
parent, legal custodian, or guardian of at least one surviving 110
minor child. For each minor child of the victim, the offender 111
shall pay child maintenance until the child reaches eighteen 112
years of age. 113

(b) The court shall determine the amount of child 114
maintenance that is reasonable and necessary for the maintenance 115
of each child after considering all relevant factors, including 116
all of the following: 117

(i) The financial needs and resources of the child; 118

(ii) The financial resources and needs of the surviving 119
parent, legal custodian, or guardian of the child, including the 120
state if the child is in the custody of a public children 121
services agency; 122

(iii) The standard of living to which the child is 123
accustomed; 124

(iv) The physical and emotional condition of the child and 125
the child's educational needs; 126

(v) The child's physical and legal custody arrangements; 127

(vi) The reasonable work-related child care expenses of 128
the surviving parent, legal custodian, or guardian. 129

(c) The court shall order that child maintenance payments 130
be made to the clerk of courts as trustee for remittance to the 131
child's surviving parent, legal custodian, or guardian. The 132
clerk shall remit the payments to the surviving parent, legal 133

custodian, or guardian within three business days of receipt by 134
the clerk. The clerk shall deposit all payments not later than 135
the next business day after receipt. 136

(d) If the offender is ordered to pay child maintenance 137
under this section and is incarcerated and unable to pay the 138
required child maintenance, the offender shall have not more 139
than one year after the release from incarceration to begin 140
payment and may enter a payment plan with the court to address 141
any arrearage. If the child maintenance payments are set to 142
terminate but the offender's obligation is not paid in full, the 143
child maintenance payments shall continue until the entire 144
arrearage is paid. 145

(e) If a parent, legal guardian, or custodian brings a 146
civil action against the offender prior to the ordering of child 147
maintenance under this section and obtains a judgment covering 148
the costs of child maintenance in the civil action, no child 149
maintenance shall be ordered under this section. 150

(f) If an offender is ordered to pay child maintenance 151
under this section and a parent, legal guardian, or custodian 152
subsequently brings a civil action against the offender and 153
obtains a judgment covering the costs of child maintenance, the 154
child maintenance amount shall be offset by the amount of the 155
judgment awarded in the civil action. 156

(3) Except as provided in division (B)(1), (3), or (4) of 157
this section, a fine payable by the offender to the state, to a 158
political subdivision, or as described in division (B)(2) of 159
this section to one or more law enforcement agencies, with the 160
amount of the fine based on a standard percentage of the 161
offender's daily income over a period of time determined by the 162
court and based upon the seriousness of the offense. A fine 163

ordered under this division shall not exceed the maximum 164
conventional fine amount authorized for the level of the offense 165
under division ~~(A) (3)~~ (A) (4) of this section. 166

~~(3)~~ (4) Except as provided in division (B) (1), (3), or (4) 167
of this section, a fine payable by the offender to the state, to 168
a political subdivision when appropriate for a felony, or as 169
described in division (B) (2) of this section to one or more law 170
enforcement agencies, in the following amount: 171

(a) For a felony of the first degree, not more than twenty 172
thousand dollars; 173

(b) For a felony of the second degree, not more than 174
fifteen thousand dollars; 175

(c) For a felony of the third degree, not more than ten 176
thousand dollars; 177

(d) For a felony of the fourth degree, not more than five 178
thousand dollars; 179

(e) For a felony of the fifth degree, not more than two 180
thousand five hundred dollars. 181

~~(4)~~ (5) A state fine or costs as defined in section 182
2949.111 of the Revised Code. 183

~~(5) (a)~~ (6) (a) Reimbursement by the offender of any or all 184
of the costs of sanctions incurred by the government, including 185
the following: 186

(i) All or part of the costs of implementing any community 187
control sanction, including a supervision fee under section 188
2951.021 of the Revised Code; 189

(ii) All or part of the costs of confinement under a 190

sanction imposed pursuant to section 2929.14, 2929.142, or 191
2929.16 of the Revised Code, provided that the amount of 192
reimbursement ordered under this division shall not exceed the 193
total amount of reimbursement the offender is able to pay as 194
determined at a hearing and shall not exceed the actual cost of 195
the confinement; 196

(iii) All or part of the cost of purchasing and using an 197
immobilizing or disabling device, including a certified ignition 198
interlock device, or a remote alcohol monitoring device that a 199
court orders an offender to use under section 4510.13 of the 200
Revised Code. 201

(b) If the offender is sentenced to a sanction of 202
confinement pursuant to section 2929.14 or 2929.16 of the 203
Revised Code that is to be served in a facility operated by a 204
board of county commissioners, a legislative authority of a 205
municipal corporation, or another local governmental entity, if, 206
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 207
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 208
section 2929.37 of the Revised Code, the board, legislative 209
authority, or other local governmental entity requires prisoners 210
to reimburse the county, municipal corporation, or other entity 211
for its expenses incurred by reason of the prisoner's 212
confinement, and if the court does not impose a financial 213
sanction under division ~~(A) (5) (a) (ii)~~ (A) (6) (a) (ii) of this 214
section, confinement costs may be assessed pursuant to section 215
2929.37 of the Revised Code. In addition, the offender may be 216
required to pay the fees specified in section 2929.38 of the 217
Revised Code in accordance with that section. 218

(c) Reimbursement by the offender for costs pursuant to 219
section 2929.71 of the Revised Code; 220

(d) Reimbursement by the offender for costs pursuant to 221
section 2917.321 of the Revised Code. 222

(B)(1) For a first, second, or third degree felony 223
violation of any provision of Chapter 2925., 3719., or 4729. of 224
the Revised Code, the sentencing court shall impose upon the 225
offender a mandatory fine of at least one-half of, but not more 226
than, the maximum statutory fine amount authorized for the level 227
of the offense pursuant to division ~~(A)(3)~~ (A)(4) of this 228
section. If an offender alleges in an affidavit filed with the 229
court prior to sentencing that the offender is indigent and 230
unable to pay the mandatory fine and if the court determines the 231
offender is an indigent person and is unable to pay the 232
mandatory fine described in this division, the court shall not 233
impose the mandatory fine upon the offender. 234

(2) Any mandatory fine imposed upon an offender under 235
division (B)(1) of this section and any fine imposed upon an 236
offender under division ~~(A)(2)~~ (A)(3) or ~~(3)~~ (4) of this section 237
for any fourth or fifth degree felony violation of any provision 238
of Chapter 2925., 3719., or 4729. of the Revised Code shall be 239
paid to law enforcement agencies pursuant to division (F) of 240
section 2925.03 of the Revised Code. 241

(3) For a fourth degree felony OVI offense and for a third 242
degree felony OVI offense, the sentencing court shall impose 243
upon the offender a mandatory fine in the amount specified in 244
division (G)(1)(d) or (e) of section 4511.19 of the Revised 245
Code, whichever is applicable. The mandatory fine so imposed 246
shall be disbursed as provided in the division pursuant to which 247
it is imposed. 248

(4) Notwithstanding any fine otherwise authorized or 249
required to be imposed under division ~~(A)(2)~~ (A)(3) or ~~(3)~~ (4) 250

or (B) (1) of this section or section 2929.31 of the Revised Code 251
for a violation of section 2925.03 of the Revised Code, in 252
addition to any penalty or sanction imposed for that offense 253
under section 2925.03 or sections 2929.11 to 2929.18 of the 254
Revised Code and in addition to the forfeiture of property in 255
connection with the offense as prescribed in Chapter 2981. of 256
the Revised Code, the court that sentences an offender for a 257
violation of section 2925.03 of the Revised Code may impose upon 258
the offender a fine in addition to any fine imposed under 259
division ~~(A) (2)~~ (A) (3) or ~~(3)~~ (4) of this section and in 260
addition to any mandatory fine imposed under division (B) (1) of 261
this section. The fine imposed under division (B) (4) of this 262
section shall be used as provided in division (H) of section 263
2925.03 of the Revised Code. A fine imposed under division (B) 264
(4) of this section shall not exceed whichever of the following 265
is applicable: 266

(a) The total value of any personal or real property in 267
which the offender has an interest and that was used in the 268
course of, intended for use in the course of, derived from, or 269
realized through conduct in violation of section 2925.03 of the 270
Revised Code, including any property that constitutes proceeds 271
derived from that offense; 272

(b) If the offender has no interest in any property of the 273
type described in division (B) (4) (a) of this section or if it is 274
not possible to ascertain whether the offender has an interest 275
in any property of that type in which the offender may have an 276
interest, the amount of the mandatory fine for the offense 277
imposed under division (B) (1) of this section or, if no 278
mandatory fine is imposed under division (B) (1) of this section, 279
the amount of the fine authorized for the level of the offense 280
imposed under division ~~(A) (3)~~ (A) (4) of this section. 281

(5) Prior to imposing a fine under division (B) (4) of this 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)~~ (A) (4) 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)~~ (A) (4) 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 313
responsible for or involved in making the arrest of, and in 314
prosecuting, the offender pursuant to division (F) of section 315
2925.03 of the Revised Code. 316

(7) If the sum total of the amount of a mandatory fine 317
imposed for a first, second, or third degree felony violation of 318
section 2925.03 of the Revised Code plus the amount of any fine 319
imposed under division (B) (4) of this section exceeds the 320
maximum statutory fine amount authorized for the level of the 321
offense under division ~~(A) (3)~~ (A) (4) of this section or section 322
2929.31 of the Revised Code, the court shall not impose a fine 323
under division (B) (6) of this section. 324

(8) (a) If an offender who is convicted of or pleads guilty 325
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 326
2923.32, division (A) (1) or (2) of section 2907.323 involving a 327
minor, or division (B) (1), (2), (3), (4), or (5) of section 328
2919.22 of the Revised Code also is convicted of or pleads 329
guilty to a specification of the type described in section 330
2941.1422 of the Revised Code that charges that the offender 331
knowingly committed the offense in furtherance of human 332
trafficking, the sentencing court shall sentence the offender to 333
a financial sanction of restitution by the offender to the 334
victim or the victim's estate, with the restitution including 335
the costs of housing, counseling, and medical and legal 336
assistance incurred by the victim as a direct result of the 337
offense and the greater of the following: 338

(i) The gross income or value to the offender of the 339
victim's labor or services; 340

(ii) The value of the victim's labor as guaranteed under 341
the minimum wage and overtime provisions of the "Federal Fair 342

Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 343
state labor laws. 344

(b) If a court imposing sentence upon an offender for a 345
felony is required to impose upon the offender a financial 346
sanction of restitution under division (B) (8) (a) of this 347
section, in addition to that financial sanction of restitution, 348
the court may sentence the offender to any other financial 349
sanction or combination of financial sanctions authorized under 350
this section, including a restitution sanction under division 351
(A) (1) of this section. 352

(9) In addition to any other fine that is or may be 353
imposed under this section, the court imposing sentence upon an 354
offender for a felony that is a sexually oriented offense or a 355
child-victim oriented offense, as those terms are defined in 356
section 2950.01 of the Revised Code, may impose a fine of not 357
less than fifty nor more than five hundred dollars. 358

(10) For a felony violation of division (A) of section 359
2921.321 of the Revised Code that results in the death of the 360
police dog or horse that is the subject of the violation, the 361
sentencing court shall impose upon the offender a mandatory fine 362
from the range of fines provided under division ~~(A) (3)~~ (A) (4) of 363
this section for a felony of the third degree. A mandatory fine 364
imposed upon an offender under division (B) (10) of this section 365
shall be paid to the law enforcement agency that was served by 366
the police dog or horse that was killed in the felony violation 367
of division (A) of section 2921.321 of the Revised Code to be 368
used as provided in division (E) (1) (b) of that section. 369

(11) In addition to any other fine that is or may be 370
imposed under this section, the court imposing sentence upon an 371
offender for any of the following offenses that is a felony may 372

impose a fine of not less than seventy nor more than five 373
hundred dollars, which, except as provided in division (B) (12) 374
of this section, shall be transmitted to the treasurer of state 375
to be credited to the address confidentiality program fund 376
created by section 111.48 of the Revised Code: 377

(a) Domestic violence; 378

(b) Menacing by stalking; 379

(c) Rape; 380

(d) Sexual battery; 381

(e) Trafficking in persons; 382

(f) A violation of section 2905.01, 2905.02, 2907.21, 383
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 384
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 385
section 2919.22 of the Revised Code, if the offender also is 386
convicted of a specification of the type described in section 387
2941.1422 of the Revised Code that charges that the offender 388
knowingly committed the offense in furtherance of human 389
trafficking. 390

(12) (a) A court that imposes a fine under division (B) (11) 391
of this section may retain up to twenty-five per cent of amounts 392
collected in satisfaction of the fine to cover administrative 393
costs. 394

(b) A court that imposes a fine under division (B) (11) of 395
this section may assign up to twenty-five per cent of amounts 396
collected in satisfaction of the fine to reimburse the 397
prosecuting attorney for costs associated with prosecution of 398
the offense. 399

(C) (1) Except as provided in section 2951.021 of the 400

Revised Code, the offender shall pay reimbursements imposed upon 401
the offender pursuant to division ~~(A) (5) (a)~~ (A) (6) (a) of this 402
section to pay the costs incurred by a county pursuant to any 403
sanction imposed under this section or section 2929.16 or 404
2929.17 of the Revised Code or in operating a facility used to 405
confine offenders pursuant to a sanction imposed under section 406
2929.16 of the Revised Code to the county treasurer. The county 407
treasurer shall deposit the reimbursements in the sanction cost 408
reimbursement fund that each board of county commissioners shall 409
create in its county treasury. The county shall use the amounts 410
deposited in the fund to pay the costs incurred by the county 411
pursuant to any sanction imposed under this section or section 412
2929.16 or 2929.17 of the Revised Code or in operating a 413
facility used to confine offenders pursuant to a sanction 414
imposed under section 2929.16 of the Revised Code. 415

(2) Except as provided in section 2951.021 of the Revised 416
Code, the offender shall pay reimbursements imposed upon the 417
offender pursuant to division ~~(A) (5) (a)~~ (A) (6) (a) of this 418
section to pay the costs incurred by a municipal corporation 419
pursuant to any sanction imposed under this section or section 420
2929.16 or 2929.17 of the Revised Code or in operating a 421
facility used to confine offenders pursuant to a sanction 422
imposed under section 2929.16 of the Revised Code to the 423
treasurer of the municipal corporation. The treasurer shall 424
deposit the reimbursements in a special fund that shall be 425
established in the treasury of each municipal corporation. The 426
municipal corporation shall use the amounts deposited in the 427
fund to pay the costs incurred by the municipal corporation 428
pursuant to any sanction imposed under this section or section 429
2929.16 or 2929.17 of the Revised Code or in operating a 430
facility used to confine offenders pursuant to a sanction 431

imposed under section 2929.16 of the Revised Code. 432

(3) Except as provided in section 2951.021 of the Revised 433
Code, the offender shall pay reimbursements imposed pursuant to 434
division ~~(A) (5) (a)~~ (A) (6) (a) of this section for the costs 435
incurred by a private provider pursuant to a sanction imposed 436
under this section or section 2929.16 or 2929.17 of the Revised 437
Code to the provider. 438

(D) Except as otherwise provided in this division, a 439
financial sanction imposed pursuant to division (A) or (B) of 440
this section is a judgment in favor of the state or a political 441
subdivision in which the court that imposed the financial 442
sanction is located, and the offender subject to the financial 443
sanction is the judgment debtor. A financial sanction of 444
reimbursement imposed pursuant to division ~~(A) (5) (a) (ii)~~ (A) (6) 445
(a) (ii) of this section upon an offender who is incarcerated in 446
a state facility or a municipal jail is a judgment in favor of 447
the state or the municipal corporation, and the offender subject 448
to the financial sanction is the judgment debtor. A financial 449
sanction of reimbursement imposed upon an offender pursuant to 450
this section for costs incurred by a private provider of 451
sanctions is a judgment in favor of the private provider, and 452
the offender subject to the financial sanction is the judgment 453
debtor. A financial sanction of a mandatory fine imposed under 454
division (B) (10) of this section that is required under that 455
division to be paid to a law enforcement agency is a judgment in 456
favor of the specified law enforcement agency, and the offender 457
subject to the financial sanction is the judgment debtor. A 458
financial sanction of restitution imposed pursuant to division 459
(A) (1), (A) (2), or (B) (8) of this section is an order in favor 460
of the victim of the offender's criminal act or, with respect to 461
division (A) (2) of this section, in favor of the parent, legal 462

custodian, or guardian of a surviving minor child of the victim 463
of the offender's criminal act that can be collected through a 464
certificate of judgment as described in division (D) (1) of this 465
section, through execution as described in division (D) (2) of 466
this section, or through an order as described in division (D) 467
(3) of this section, and the offender shall be considered for 468
purposes of the collection as the judgment debtor. Imposition of 469
a financial sanction and execution on the judgment does not 470
preclude any other power of the court to impose or enforce 471
sanctions on the offender. Once the financial sanction is 472
imposed as a judgment or order under this division, the victim, ~~—~~ 473
or parent, legal custodian, or guardian of a surviving minor 474
child of the victim if division (A) (2) of this section applies, 475
private provider, state, or political subdivision may do any of 476
the following: 477

(1) Obtain from the clerk of the court in which the 478
judgment was entered, at no cost, a certificate of judgment that 479
shall be in the same manner and form as a certificate of 480
judgment issued in a civil action; 481

(2) Obtain execution of the judgment or order through any 482
available procedure, including: 483

(a) An execution against the property of the judgment 484
debtor under Chapter 2329. of the Revised Code; 485

(b) An execution against the person of the judgment debtor 486
under Chapter 2331. of the Revised Code; 487

(c) A proceeding in aid of execution under Chapter 2333. 488
of the Revised Code, including: 489

(i) A proceeding for the examination of the judgment 490
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 491

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| 2333.27 of the Revised Code; | 492 |
| (ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code; | 493 |
| (iii) A creditor's suit under section 2333.01 of the Revised Code. | 494 |
| (d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code; | 495 |
| (e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code. | 496 |
| (3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code. | 497 |
| (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. | 498 |
| (F) Each <u>Except as otherwise provided in division (A) (2) of this section, each</u> 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. | 499 |
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(G) If a court that imposes a financial sanction under 521
division (A) or (B) of this section finds that an offender 522
satisfactorily has completed all other sanctions imposed upon 523
the offender and that all restitution that has been ordered has 524
been paid as ordered, the court may suspend any financial 525
sanctions imposed pursuant to this section or section 2929.32 of 526
the Revised Code that have not been paid. 527

(H) No financial sanction imposed under this section or 528
section 2929.32 of the Revised Code shall preclude a victim from 529
bringing a civil action against the offender. 530

(I) If the court imposes restitution, fines, fees, or 531
incarceration costs on a business or corporation, it is the duty 532
of the person authorized to make disbursements from the assets 533
of the business or corporation to pay the restitution, fines, 534
fees, or incarceration costs from those assets. 535

(J) If an offender is sentenced to pay restitution, a 536
fine, fee, or incarceration costs, the clerk of the sentencing 537
court, on request, shall make the offender's payment history 538
available to the prosecutor, victim, victim's representative, 539
victim's attorney, if applicable, the probation department, and 540
the court without cost. 541

Section 2. That existing section 2929.18 of the Revised 542
Code is hereby repealed. 543

Section 3. This act shall be known as the Sam Knisley 544
Family Support Act. 545