



**Bench Card References: COLLECTION OF COURT COSTS AND FINES
IN ADULT TRIAL COURTS**

Click on a statute or case citation for a link to the text.

- ¹ *Strattman v. Studt*, (1969), 20 Ohio St.2d 95.
- ² R.C. 2947.23.
- ³ *State v. Beasley*, 153 Ohio St.3d 497, 2018-Ohio-493, inadvertent omission does not affect the finality of the judgment or require remand.
- ⁴ *State v. Swift*, (2nd Dist.), 2005-Ohio-1599; *State v. Johnson*, (2nd Dist.), 2016-Ohio-5160.
- ⁵ R.C. 2947.23(C).
- ⁶ *Strongsville v. Waiwood*, (1989), 62 Ohio App.3d 521.
- ⁷ R.C. 2947.23.
- ⁸ R.C. 2929.11; R.C. 2929.21.
- ⁹ R.C. 2929.18; R.C. 2929.28.
- ¹⁰ R.C. 2929.18; R.C. 2929.28.
- ¹¹ R.C. 2929.18; R.C. 2929.28; *State v. Gilbert*, (8th Dist.), 2016-Ohio-8308.
- ¹² R.C. 2947.14; *State v. Ellis*, (2nd Dist.), 2008-Ohio-2719.
- ¹³ R.C. 2929.28(B); R.C. 2929.27.
- ¹⁴ *State v. Swift*, (2nd Dist.), 2005-Ohio-1599.
- ¹⁵ R.C. 2947.14; *State v. Ellis*, (2nd Dist.), 2008-Ohio-2719.
- ¹⁶ *State v. Swift*, (2nd Dist.), 2005-Ohio-1599.
- ¹⁷ R.C. 2947.14; *State v. Swift*, (2nd Dist.), 2005-Ohio-1599.
- ¹⁸ R.C. 2947.14.
- ¹⁹ R.C. 2947.14(B); *State v. Swift*, (2nd Dist.), 2005-Ohio-1599.

- 20 Id.
- 21 R.C. 2947.14(B); *State v. Gipson*, (1998), 1998-Ohio-659.
- 22 *Strattman v. Studt*, (1969), 20 Ohio St.2d 95.
- 23 R.C. 2947.14(D).
- 24 R.C. 2947.14(E).
- 25 National Task Force on Fines, Fees, and Bail Practices. “Lawful Collection of Legal Financial Obligations: A Bench Card for Judges.” Also, R.C. 2323.311, effective March 22, 2019, sets out a standard of indigency for waiver of filing fees in civil cases. R.C. 2323.311(B)(4) references Ohio Administrative Code 120-1-03, which sets out a standard of indigency by the Ohio Public Defender for appointment of counsel and also incorporates the federal poverty guidelines for consideration by the court. While the standards of indigency are for appointment of counsel in a criminal case, the same economic factors also are helpful for consideration when imposing a fine or other financial sanction.
- 26 U.S. Department of Health & Human Services, Poverty Guidelines, amended Jan. 25, 2019.
- 27 R.C. 2929.28(G).
- 28 R.C. 1901.44; R.C. 1907.25; R.C. 2929.28(G)(2).
- 29 R.C. 2929.18(F) Felony; R.C. 2929.28(G)(1) Misdemeanor.
- 30 R.C. 1901.44; R.C. 1907.25; R.C. 2929.28(B).
- 31 R.C. 2947.23.
- 32 R.C. 5120.133.
- 33 R.C. 2929.28(E).
- 34 R.C. 1901.44(B) Municipal Court; 1907.25(B) County Court; 2947.09(A) Common Pleas Court.
- 35 R.C. 2947.14.
- 36 *State v. Swift*, (2nd Dist.), 2005-Ohio-1599.
- 37 R.C. 4510.22 1st – 4th Degree Misdemeanor; R.C. 2935.27 Minor Misdemeanor.
- 38 *State v. Kovacs*, (1998) 1998 Ohio App. LEXIS 3036; *State v. Short*, (2nd Dist.), 2012-Ohio-2546.
- 39 R.C. 4507.091 Driver’s License.
- 40 R.C. 2929.25(D); *State v. Briskey*, (7th Dist.), 2012-Ohio-5340; *State v. Hostetter*, (6th Dist.), 2012-Ohio-5003; *State v. Parker*, (1st Dist.), 2015-Ohio-274.

- ⁴¹ *Alliance v. Kelly*, (1988), 48 Ohio App.3d 133; *Cleveland v. Anderson*, (1992), 82 Ohio App.3d 63; *State v. Ellis*, (2nd Dist.), 2008-Ohio-2719.
- ⁴² R.C. 2981.12 (G); *State v. Cruise*, (9th Dist.), 2009-Ohio-6795.
- ⁴³ *In re GMS Mgt. Co., Inc. v. Unpaid Court Costs, Fees and Delinquencies*, (2010), 187 Ohio App.3d 426.
- ⁴⁴ R.C. 2947.14(D), provides the basis for incarceration for willful non-payment of fines; *Strattman v. Studt*, (1969), 20 Ohio St.2d 95.
- ⁴⁵ *Disciplinary Counsel v. Medley*, (2004), 2004-Ohio-6402.
- ⁴⁶ R.C. 2937.40 (C)
- ⁴⁷ R.C. 2937.40 (B). If there is an issue about ownership of funds deposited for bond, the trial court should conduct a hearing before applying the defendant's bond to fines, court costs, or restitution.
- ⁴⁸ R.C. 1901.263 Municipal Court; 1905.38 Mayor's Court; 1907.251 County Court; 1925.151 Small Claims Division of Municipal or County Court; 2101.165 Probate Court; 2151.542 Juvenile Court; 2303.23 Court of Common Pleas.
- ⁴⁹ R.C. 2947.23(C) applies retroactively to all convictions, regardless of the date of conviction. *State v. Braden*, __ Ohio St.3d __, 2019-Ohio-4204, reversing on reconsideration, *State v. Braden*, __ Ohio St.3d __, 2018-Ohio-5079.
- ⁵⁰ R.C. 2949.092; *State v. Clevenger*, (2007), 2007-Ohio-4006.
- ⁵¹ *State v. Self*, (2nd Dist.), 2005-Ohio-1120.
- ⁵² *Disciplinary Counsel v. Medley*, (2004), 2004-Ohio-6402.
- ⁵³ *State v. Ellis*, (2nd Dist.), 2008-Ohio-2719; *Alliance v. Kelly*, (1988), 48 Ohio App.3d 133; *Cleveland v. Anderson*, (1992), 82 Ohio App.3d 63.
- ⁵⁴ *State v. Lamb*, (2005), 163 Ohio App.3d 290.
- ⁵⁵ *State v. Lamb*, (2005), 163 Ohio App.3d 290; *State v. Ellis*, (2nd Dist.), 2008-Ohio-2719.
- ⁵⁶ *Strongsville v. Waiwood*, (1989), 62 Ohio App.3d 521.
- ⁵⁷ *Hirzel v. Ooten*, (4th Dist.), 2008-Ohio-7006; *Strongsville v. Waiwood*, (1989) 62 Ohio App. 3d 521.
- ⁵⁸ *State v. Self*, (2nd Dist.), 2005-Ohio-1120.
- ⁵⁹ R.C. 2947.23; R.C. 1901.44; R.C. 1907.25.
- ⁶⁰ R.C. 2947.23; See also *State v. Dorsey*, (1st Dist.), 2016 Ohio App LEXIS 2899; *State v. Keith*, (12th Dist.), 2015-Ohio-647; *State v. Florence*, (12th Dist.), 2014-Ohio-2337; *State v. Smith*, (2012), 2012-Ohio-781; *State v. Hengehold*, (1st Dist.), 2016-Ohio-5383.

⁶¹ R.C. 2947.23(B).

⁶² 29 U.S.C.A. 206(a)(1).

⁶³ R.C. sections 4507.35, 4510.111, 4510.12, 4510.16, 4510.21, and 4511.203 provide for a maximum of 500 hours of community work service if the offense is charged as a “first offense” with no prior convictions set out in the citation or charging document. For these offenses, a jail sentence may not be directly imposed, but to enforce the community service assignment, the defendant may be charged with indirect criminal contempt of court in accordance with R.C. 2705.02 et. seq. for failure to complete community service. This is a separate charge, however, and the defendant would be entitled to counsel and appointed counsel, if indigent.

⁶⁴ Although the statute does not set out a rate of credit of a fine when converted to community service, the Court in *State v. Glasscock*, (1993), 91 Ohio App.3d 520 implied the appropriate community service rate to be the daily rate for incarceration under R.C. 2947.14. The current rate is \$50.00 per day.