



Judicial Impact Statement

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SEGREGATION OF FUNDS COLLECTED BY COURTS

TITLE INFORMATION

Enact legislation to direct state and county auditors to keep all monies collected by a court segregated in an account separate from the general revenue fund at the state, county, and local levels.

IMPACT SUMMARY

The Court Administration Committee has reviewed the problem and determined that segregating monies collected by courts from the local general funds would improve relationships between judges and the local funding authority, would reduce abuse of power by the local funding authority over court funds, would create a more stable environment for court funding, and would promote public confidence in the judiciary.

BACKGROUND

Ohio courts assess fines and costs. These fines and costs are collected by the court and then are disbursed according to the requirements established by the Ohio Revised Code. The ORC also gives judges the discretion to assess court costs for special projects that support the operation and maintenance of the courts.

There are multiple instances of funding authorities who have seized special project funds and other funds that are collected by Ohio courts. The use of these funds for general purposes (i.e., uses that are unrelated to the operation and

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.

maintenance of Ohio courts) is illegal (see R.C. 2501.16).

In at least one extreme example, county commissioners seized the special project funds and other funds of a juvenile judge who was running a juvenile detention center. The commissioners had to be informed by the county prosecutor and county auditor that the seizure was illegal and had to be told to return the money.

More commonly, funding authorities pressure judges to use their special project funds to fund things that should be covered by general funds. That way, in the view of the funding authorities, the judges are funding court expenses and money is freed up to be spent elsewhere.

JUDICIAL IMPACT

The Ohio Judicial Conference believes that the tension between funding authorities and the courts can be reduced if the parties are better informed about the statutory restrictions on how court costs can be expended, and can be eliminated entirely if the General Assembly would require the county auditor to create separate fund accounts for monies collected by the court which would clearly delineate monies for particular uses. The Ohio Judicial Conference has engaged in educational programming to help address the former, and requests the help of the General Assembly to help address the latter.

RECOMMENDATION

The Ohio Judicial Conference recommends the enactment of a requirement that fines, court costs, and other monies collected by Ohio courts be managed separately from the local general fund.