



THE SUPREME COURT *of* OHIO

Collection of Court Costs & Fines in Adult Trial Courts

Court practices to enforce appropriately assessed fines, costs, and other financial sanctions are an important part of enforcing the consequences of misconduct. Courts, in general, and individual judges in particular should ensure that any fines, costs, and other financial sanctions arising out of a criminal case are reasonable and take into account a defendant's ability to pay. Courts do not consider the defendant's ability to pay when imposing restitution.¹ Fines are a criminal sanction, while costs are a civil obligation. Although separate and distinct, the purpose of both is not to generate revenue for the local municipality, county, or the State of Ohio.

Imposing Fines, Costs, and Other Financial Sanctions

Court Costs

Court costs and fees are civil, not criminal, obligations and may be collected only by the methods provided for the collection of civil judgments.²

- Trial courts must impose court costs at time of sentencing.³ Costs must be:
 - Stated at sentencing hearing and included in sentencing entry.⁴
 - Segregated from fines.⁵
- Courts are required to impose court costs at the time of sentencing, but the court retains jurisdiction to waive, suspend, or modify the assessment of court costs under R.C. 2947.23(C).⁶ One exception is the victims of crime cost, of \$9 per misdemeanor case or \$30 per felony case, which the court is not permitted to waive, even if the defendant is indigent.⁷
- A court may not order a person to appear or issue a warrant, or placed in jail for unpaid court costs.⁸
 - The court may order the defendant to perform community service if the defendant fails to pay court costs.⁹

Fines

- Fines are a financial sanction and criminal penalty.¹⁰
- Financial sanctions may include restitution, fines, reimbursement for assigned counsel, incarceration, and other fees.¹¹
- Fines are a discretionary financial sanction, unless there is a mandatory fine attached to the offense.¹²
- Ability to pay must be considered when assessing and collecting fines.¹³
- A person may be jailed for a willful refusal to pay a fine that he or she has the ability to pay (*see "Incarceration for Non-Payment of Fines," below*).¹⁴
- The court may order the defendant to perform community service in lieu of fines.¹⁵

When both fines and court costs are owed, the court must segregate the amounts if jail time is imposed for nonpayment of fines.¹⁶

Incarceration for Non-Payment of Fines

R.C. 2947.14 is the sole and exclusive method for imposing a jail sentence for willful refusal to pay a fine.¹⁷ Incarceration for nonpayment should only be used as a last resort and after compliance with all statutory and procedural safeguards.

Before a court may impose a jail sentence for non-payment of court fines, the court must:

- Segregate fines from court costs and other financial sanctions.¹⁸
- Give reasonable notice to the defendant of a hearing.¹⁹
- Conduct an evidentiary, economic ability-to-pay hearing.²⁰
- Advise the defendant of the right to counsel.²¹
- Provide the defendant with an opportunity to be heard.²²
- Make a specific finding that the defendant:²³
 - Has the ability to pay fines; and
 - Willfully refuses to pay fines.

Additional Notes about Incarceration:

A person cannot be ordered to serve additional days for failure to pay a fine if the maximum jail sentence was imposed and served.²⁴

Any person jailed for failure to pay a fine shall receive credit upon the fine at the rate of \$50 per day or per fraction of a day.²⁵ No commitment pursuant to this statute shall exceed six months.²⁶

Factors Courts May Consider When Assessing Offenders' Ability-To-Pay²⁷

- Income, specifically whether annual income is at or below 125% of the Federal Poverty Guidelines.
- Receipt of needs-based, means-tested public assistance, such as TANF, SSI, or SSDI.
- Financial resources, assets, financial obligations, and dependents.
- Where the person resides; for example, whether the person is homeless or institutionalized.
- Basic living expenses, such as food, rent/mortgage, utilities, medical expenses, transportation, and child support.
- Offender's efforts to acquire additional resources, including any limitations to secure paid work due to disability, homelessness, institutionalization, lack of transportation, or driving privileges.

Family Size	125% of FPG ²⁸ :
1	\$18,225
2	\$24,650
3	\$31,075
4	\$37,500
5	\$43,925
6	\$50,350
7	\$56,775
8	\$63,200

Permitted Methods of Collecting Court Costs and Fines
(Any Method Not Permitted Is Prohibited)

Permitted Collection Methods:	Costs	Fines
Voluntary Payment ²⁹	✓	✓
Payment Plan ³⁰	✓	✓
Collection Agency ³¹	✓	✓
Community Service ³²	✓	✓
Attachment of Prisoner Accounts ³³	✓	✓
Execution of Civil Judgment ³⁴	✓	✓
Registration Block ³⁵	✓	✓
Imposing Jail ³⁶ (see page 2)		✓
Driver's License Forfeiture (limited to Traffic cases only) ³⁷		✓
Driver's License Warrant Block ³⁸		✓
Extension of Probation (if within maximum allowable term of probation and if made a condition of probation) ³⁹		✓

Non-Permitted Collection Methods:
Contempt of Court ⁴⁰
Forfeiture of Confiscated Money ⁴¹
Refusal to Accept Filings ⁴²
Violation or Revocation of Probation ⁴³
Setting Bond Based on Amount Owed ⁴⁴
Automatically applying bond to amount owed if:- <ul style="list-style-type: none"> • Defendant is indigent⁴⁵ or- • A third party posted the bond⁴⁶

Waiver/Cancellation/Discharge of Costs Or Fines

Victim of crime costs may not be waived at any time.⁴⁷ However, if the court finds that an amount owed to the court is due and uncollectible, in whole or in part, the court may direct the clerk of the court to cancel all or part of the claim.⁴⁸ The court retains jurisdiction to waive, suspend, or modify the payment of the costs of prosecution at the time of sentencing or at any time thereafter, pursuant to R.C. 2947.23(C).⁴⁹ The court is not required, but may consider ability to pay, along with other factors.⁵⁰ If a court waives any of the court costs, it must waive all imposed costs except the victim of crime costs.⁵¹

Limitation of Contempt for Collection of Costs and Fines

Contempt may be imposed:

- If a defendant fails to appear for a court-ordered hearing, including a hearing for non-payment of fines.
- The defendant must be served with a separate citation for contempt of court, notice, and advised of:⁵²
 - Right to counsel (including appointed, if applicable).
 - Right to present a defense and explanation.
 - Right to bond. Bond must be based on failure-to-appear and/or comply, not based on amount owed.⁵³

Contempt may NOT be imposed:

- In lieu of R.C. 2947.14 to impose jail time to collect fines.⁵⁴
- To collect costs as a civil judgment.⁵⁵
- For failure to perform if community service is assigned in lieu of either fines or court costs.⁵⁶
- To create a punishment based on the underlying offense or as a method to collect fines or court costs.⁵⁷
- For failure to appear if hearing was related to the payment or non-payment of court costs.⁵⁸

While a charge of contempt of court for non-appearance at a hearing or community-control supervision/probation violation may result in a jail sentence being issued, neither may be used to coerce or obtain the payment of a fine, court cost, or any other financial sanction.⁵⁹

Community Service Schedule

Offense	Limitations	Statutory Authority
Minor Misdemeanor	Max. 30 Hours	R.C. 2929.27(B)
Second-, Third-, and Fourth-Degree Misdemeanor	Max. 200 Hours	R.C. 2929.27(A)
First-Degree Misdemeanor	Max. 500 Hours	R.C. 2929.27(A)
Unclassified Misdemeanor	Max. 500 Hours	Suspended License Offenses ⁶⁴
Felony	Max. 500 Hours	R.C. 2929.17; R.C. 2951.02
Satisfaction of Court Costs	No less than federal minimum hourly wage rate; hearing required	R.C. 2947.23; R.C. 1901.44; R.C. 1907.25
Satisfaction of Fines ⁶⁵	Not specified; hearing not required	R.C. 2929.28

Community Service as Payment for Court Costs

A court may convert court costs to community service when a defendant fails to pay court costs or comply with a payment plan to pay court costs at the time of sentencing or post-judgment proceeding.⁶⁰

- Notice should be given to the defendant and the prosecuting attorney that failure to pay court costs may result in community service.⁶¹
- An evidentiary hearing must be held.⁶²
- Defendant is entitled to credit at no less than the federal minimum wage.⁶³

Endnotes

- 1 The victim is entitled to recover the full amount of the economic losses suffered. [State v. Oliver, 2021-Ohio-2543, 176 N.E. 3d 1054 \(12th Dist.\)](#), [Cleveland v. Rudolph, 8th Dist. Cuyahoga No. 11128, 2022-Ohio-2363](#).
- 2 [Strattman v. Studt](#), 20 Ohio St.2d 95, 253 N.E.2d 749 (1969).
- 3 [R.C. 2947.23](#).
- 4 [State v. Beasley](#), 153 Ohio St.3d 497, 2018-Ohio-493, 108 N.E.3d 1028, inadvertent omission does not affect the finality of the judgment or require remand.
- 5 [State v. Swift](#), 2d Dist. Montgomery No. 20544, 2005-Ohio-1599; [State v. Johnson](#), 2016-Ohio-5160, 69 N.E.3d 176 (2d Dist.)
- 6 [State v. Taylor](#), 161 Ohio St.3d 319, 2020-Ohio-3514, 163 N.E.3d 486.
- 7 [R.C. 2743.70](#).
- 8 [Strongsville v. Waiwood](#), 62 Ohio App.3d 521, 577 N.E.2d 63 (8th Dist. 1989). [R.C. 2743.70](#).
- 9 [R.C. 2947.23](#).
- 10 [R.C. 2929.11](#); [R.C. 2929.21](#).
- 11 [R.C. 2929.18](#); [R.C. 2929.28](#).
- 12 [R.C. 2929.18](#); [R.C. 2929.28](#).
- 13 [R.C. 2929.18](#); [R.C. 2929.28](#); [State v. Gilbert](#), 8th Dist. Cuyahoga No. 104355, 2016-Ohio-8308.
- 14 [R.C. 2947.14](#); [State v. Ellis](#), 2d Dist. Montgomery No. 22189, 2008-Ohio-2719.
- 15 [R.C. 2929.28\(B\)](#); [R.C. 2929.27](#).
- 16 [State v. Swift](#), 2d Dist. Montgomery No. 20544, 2005-Ohio-1599.
- 17 [R.C. 2947.14](#); [State v. Ellis](#), 2d Dist. Montgomery No. 22189, 2008-Ohio-2719.
- 18 [State v. Swift](#), 2d Dist. Montgomery No. 20544, 2005-Ohio-1599.
- 19 [R.C. 2947.14](#); [State v. Swift](#), 2d Dist. Montgomery No. 20544, 2005-Ohio-1599.
- 20 [R.C. 2947.14](#).
- 21 [R.C. 2947.14\(B\)](#); [State v. Swift](#), 2d Dist. Montgomery No. 20544, 2005-Ohio-1599.
- 22 *Id.*
- 23 [R.C. 2947.14\(B\)](#); [State v. Gipson](#), 80 Ohio St.3d 262, 687 N.E.2d 750 (1998).
- 24 [Strattman v. Studt](#), 20 Ohio St.2d 95, 253 N.E.2d 749 (1969).
- 25 [R.C. 2947.14\(D\)](#).
- 26 [R.C. 2947.14\(E\)](#).
- 27 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.
- 28 U.S. Department of Health & Human Services, [Poverty Guidelines](#), amended Jan. 19, 2023.
- 29 [R.C. 2929.28\(G\)](#).
- 30 [R.C. 1901.44](#); [R.C. 1907.25](#); [R.C. 2929.28\(G\)\(2\)](#).
- 31 [R.C. 2929.18\(F\)](#) Felony; [R.C. 2929.28\(G\)\(1\)](#) Misdemeanor.
- 32 [R.C. 1901.44](#); [R.C. 1907.25](#); [R.C. 2929.28\(B\)](#); [R.C. 2947.23](#).
- 33 [R.C. 5120.133](#).
- 34 [R.C. 2929.28\(E\)](#).
- 35 [R.C. 1901.44](#) Municipal Court; [R.C. 1907.25\(B\)](#) County Court; [R.C. 2947.09\(A\)](#) Common Pleas Court.
- 36 [R.C. 2947.14](#); [State v. Swift](#), 2d Dist. Montgomery No. 20544, 2005-Ohio-1599.
- 37 [R.C. 4510.22](#) 1st – 4th Degree Misdemeanor; [R.C. 2935.27](#) Minor Misdemeanor. [State v. Kovacs](#), 5th Dist. Licking No. 97CA156, 1998 Ohio App. LEXIS 3036 (June 18, 1998); [State v. Short](#), 2d Dist. Darke No. 2011CA16, 2012-Ohio-2546.
- 38 [R.C. 4507.091](#) Driver’s License.
- 39 [R.C. 2929.25\(D\)](#); [State v. Briskey](#), 7th Dist. Mahoning No. 12MA63, 2012-Ohio-5340; [State v. Hostetter](#), 6th Dist. Sandusky No. S-10-052, 2012-Ohio-5003; [State v. Parker](#), 1st Dist. Hamilton No. C-140179, 2015-Ohio-274.
- 40 [Alliance v. Kelly](#), 48 Ohio App.3d 133, 548 N.E.2d 952 (5th Dist. 1988); [Cleveland v. Anderson](#), 82 Ohio App.3d 63, 611 N.E.2d 439 (1992); [State v. Ellis](#), 2d Dist. Montgomery No. 22189, 2008-Ohio-2719.

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Endnotes, *Continued*...

- 41 [R.C. 2981.12 \(G\)](#); *State v. Cruise*, 185 Ohio App.3d, 2009-Ohio-6795, 923 N.E.2d 702 (9th Dist.).
- 42 *In re GMS Mgt. Co., Inc. v. Unpaid Court Costs, Fees and Delinquencies*, 187 Ohio App.3d 426, 2010-Ohio-2203, 932 N.E.2d 405 (7th Dist.).
- 43 [R.C. 2947.14\(D\)](#), provides the basis for incarceration for willful non-payment of fines; *Strattman v. Studt*, 20 Ohio St.2d 95, 253 N.E.2d 749 (1969).
- 44 *Disciplinary Counsel v. Medley*, 104 Ohio St.3d 251, 2004-Ohio-6402, 819 N.E.2d 273.
- 45 [R.C. 2937.40\(C\)](#).
- 46 [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.
- 47 [R.C. 2743.70](#).
- 48 [R.C. 1901.263](#) Municipal Court; [R.C. 1905.38](#) Mayor's Court; [R.C. 1907.251](#) County Court; [R.C. 1925.151](#) Small Claims Division of Municipal or County Court; [R.C. 2101.165](#) Probate Court; [R.C. 2151.542](#) Juvenile Court; [R.C. 2303.23](#) Court of Common Pleas. [R.C. 2743.70](#).
- 49 [R.C. 2947.23\(C\)](#) applies to all convictions, regardless of the date of conviction. *State v. Braden*, 158 Ohio St.3d 462, 2019-Ohio-4204, 145 N.E.3d 235, reversing on reconsideration, *State v. Braden*, 158 Ohio St.3d 452, 2018-Ohio-5079, 145 N.E.3d 226.
- 50 *State v. Taylor*, 161 Ohio St.3d 319, 2020-Ohio-3514, 163 N.E.3d 486.
- 51 [R.C. 2949.092](#); *State v. Clevenger*, 114 Ohio St.3d 258, 2007-Ohio-4006, 871 N.E.2d 589.
- 52 *State v. Self*, 2d Dist. Montgomery No. 20370, 2005-Ohio-1120.
- 53 *Disciplinary Counsel v. Medley*, 104 Ohio St.3d 251, 2004-Ohio-6402, 819 N.E.2d 273.
- 54 *Alliance v. Kelly*, 48 Ohio App.3d 133, 548 N.E.2d 952 (5th Dist. 1988); *Cleveland v. Anderson*, 82 Ohio App.3d 63, 611 N.E.2d 439 (1992); *State v. Ellis*, 2d Dist. Montgomery No. 22189, 2008-Ohio-2719.
- 55 *State v. Lamb*, 163 Ohio App.3d 290, 2005-Ohio-4741, 837 N.E.2d 833 (2d Dist.).
- 56 *State v. Lamb*, 163 Ohio App.3d 290, 2005-Ohio-4741, 837 N.E.2d 833 (2d Dist.); *State v. Ellis*, 2d Dist. Montgomery No. 22189, 2008-Ohio-2719.
- 57 *Strongsville v. Waiwood*, 62 Ohio App.3d 521, 577 N.E.2d 63 (8th Dist. 1989).
- 58 *Hirzel v. Ooten*, 4th Dist. Meigs Nos. 06CA 10, 07CA13, 2008-Ohio-7006; *Strongsville v. Waiwood*, 62 Ohio App.3d 521, 577 N.E.2d 63 (8th Dist. 1989).
- 59 *State v. Self*, 2d Dist. Montgomery No. 20370, 2005-Ohio-1120.
- 60 [R.C. 2947.23](#); [R.C. 1901.44](#); [R.C. 1907.25](#).
- 61 [R.C. 2947.23](#); see also, *State v. Dorsey*, 1st Dist. Hamilton Nos. C-150490, C-150491, C-150492, 2016 Ohio App LEXIS 2899 (June 29, 2016); *State v. Keith*, 12th Dist. Butler No. CA2014-01-094, 2015-Ohio-647; *State v. Florence*, 12th Dist. Butler No. CA2013-08-148, 2014-Ohio-2337; *State v. Smith*, 131 Ohio St.3d 297, 2012-Ohio-781, N.E.2d 423; *State v. Hengehold*, 1st Dist. Hamilton No. C-150402, 2016-Ohio-5383.
- 62 [R.C. 2947.23\(B\)](#).
- 63 [29 U.S.C.A. 206\(a\)\(1\)](#).
- 64 [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.
- 65 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*, 91 Ohio App.3d 520, 632 N.E.2d 1328 (4th Dist. 1993) implied the appropriate community service rate to be the daily rate for incarceration under [R.C. 2947.14](#). The current rate is \$50 per day.

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