

AMENDED ORDINANCE NO. 47 - 21

By: Jen Robinson

An ordinance to amend section 408.01 (d) of the codified ordinances, in order to allow for income-based fines for minor misdemeanors.

- WHEREAS,** One-size-fits-all fines fail to meet basic goals of the justice system: to treat like offenders alike, provide for proportional punishment, and encourage respect for the law; and
- WHEREAS,** Currently, fines for traffic violations are imposed without regard to income; and
- WHEREAS,** The result is a system that has the capacity to perpetuate a cycle of debt and jail for low-income offenders, disproportionately impacting those with lower income capacity; and
- WHEREAS,** There are numerous long-standing examples of justice systems that assess fines based on income; and
- WHEREAS,** Income-based fine models are credited with ensuring proportionality in sentencing, improving the effectiveness of fines as a sanction, and even allowing fines to serve as an alternative to incarceration; and
- WHEREAS,** Bexley has made a series of reforms within its Mayor’s Court system in recent years in order to help avoid the potential for the system to disproportionately impact those from lower income households, and this proposal expands and complements that work;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That Chapter 408.01 (d) is hereby amended as follows:

- (d) Fines for minor misdemeanors**
- (1)** Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than one hundred fifty dollars (\$150.00).
 - (2) Rules establishing income-based fines may be established by the Mayor’s Court Magistrate with approval by the City Attorney, based upon the following criteria:**
 - (i)** Income-based fines are available, subject to eligibility criteria to be specified by the Rules, with the offender being provided with information, at the time of the citation, of the availability of income-based fines whenever practicable.
 - (ii)** The Rules may limit the availability of income-based fines for repeat offenders.
 - (iii)** Income-based fines shall be determined based upon individual income, household income, and liquid assets.
 - (iv)** Eligibility for income-based fines shall be established based upon an affidavit, which may be subject to audit by the Prosecutor. If, upon audit, it is found that

the signatory knowingly and willfully provided false information in order to secure a lower fine, the signatory shall be charged with a misdemeanor of the first degree, which shall be prosecuted in accordance with Chapter 698.


- (v) Income based fines cannot exceed the maximum fine for the particular offense authorized by City ordinances.

Section 2.

That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed Nov 16, 2021


Lori Ann Feibel, President of Council

Attest: , 2021
William Harvey, Clerk of Council

Approved: 11/16, 2021


Benjamin Kessler, Mayor

First Reading: October 26, 2021

Second Reading: November 9, 2021

Third Reading: November 16, 2021