

ORDINANCE NO. 9-17

AN ORDINANCE TO ASSESS THE COSTS ASSOCIATED WITH LABORATORY TESTING, EXPERT TESTIMONY, AND RELATED FEES TO THE DEFENDANT IN POLICE CASES WHEN THERE IS A FINDING BY THE COURT THAT THE DEFENDANT IS GUILTY OF THE RELATED ALCOHOL OR DRUG CHARGE OR CHARGES.

WHEREAS the Village of Thornville incurs costs for biological specimen collection kits and the laboratory testing of biological fluids thought to contain an unlawful concentration of alcohol or other illegal or controlled substance pursuant to a traffic and/ or criminal violation and;

WHEREAS the Village of Thornville further incurs costs associated with the laboratory testing, which include but are not limited to mileage, postage, and reasonable expert testimony fees from the laboratory technician or other qualified personnel, and;

WHEREAS the Village of Thornville finds a need for reimbursement in these cases.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE VILLAGE OF THORNVILLE, OHIO:

- Section 1. All costs related to the purchase of the urine, blood, or bodily fluid testing kit or kits that were utilized in the case shall be assessed to the defendant upon a guilty or no contest plea to the original drug or alcohol or related charge with a finding of “guilty” by the court of law having jurisdiction over the case. All costs shall be paid pursuant to Section 5 of this ordinance.
- Section 2. All costs incurred by the Village of Thornville for the laboratory testing of biological fluids thought to contain an unlawful concentration of alcohol or other illegal or controlled substance and the testing of physical substances collected by police thought to be an illegal or controlled substance pursuant to a traffic and or criminal violation shall be assessed to the defendant upon a guilty or no contest plea to the original drug or alcohol or related charge with a finding of “guilty” by the court of law having jurisdiction over the case. All costs shall be paid pursuant to Section 5 of this ordinance.
- Section 3. All associated costs incurred by the Village of Thornville for the laboratory testing include but are not limited to mileage, postage, and reasonable expert testimony fees from the laboratory technician or other qualified personnel shall be assessed to the defendant upon a guilty or no contest plea to the original drug or alcohol or related charge with a finding of “guilty” by the court of law having jurisdiction over the case. All costs shall be paid pursuant to Section 5 of this ordinance.
- Section 4. The term “related charge” as used in this ordinance refers to the original alcohol, illegal drug, or controlled substance charge that requires laboratory testing for proper prosecution or any substantially similar violation, amended charge, or lesser included offense that was charged or amended pursuant to a plea agreement.
- Section 5. All monies received by the Village of Thornville shall be deposited into the Treasury of the Village of Thornville and transferred to the fund from which the costs were originally paid.

... costs incurred by the Village of Thornville for the laboratory testing of biological fluids thought to contain an unlawful concentration of alcohol or other illegal or controlled substance and the testing of physical substances collected by police thought to be an illegal or controlled substance pursuant to a traffic and or criminal violation shall be assessed to the defendant upon a guilty or no contest plea to the original drug or alcohol or related charge with a finding of "guilty" by the court of law having jurisdiction over the case. All costs shall be paid pursuant to Section 5 of this ordinance.

Section 3. All associated costs incurred by the Village of Thornville for the laboratory testing include but are not limited to mileage, postage, and reasonable expert testimony fees from the laboratory technician or other qualified personnel shall be assessed to the defendant upon a guilty or no contest plea to the original drug or alcohol or related charge with a finding of "guilty" by the court of law having jurisdiction over the case. All costs shall be paid pursuant to Section 5 of this ordinance.

Section 4. The term "related charge" as used in this ordinance refers to the original alcohol, illegal drug, or controlled substance charge that requires laboratory testing for proper prosecution or any substantially similar violation, amended charge, or lesser included offense that was charged or amended pursuant to a plea agreement.

Section 5. All monies received by the Village of Thornville shall be deposited into the Treasury of the Village of Thornville and transferred to the fund from which the costs were originally paid.

Section 6. The defendant may request an itemized bill outlining the costs for which reimbursement is required. Such request shall be in writing and filed with the Thornville Police Department within ten (10) days of the disposition of the charge.


Section 7. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety, and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

Approved as to form:

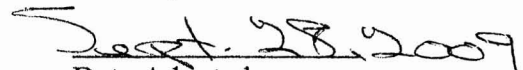
Solicitor, Village of Thornville



Mayor, Village of Thornville



Clerk of Council, Village of Thornville



Date Adopted