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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 419
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 419's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Troy and Seitz

Local Impact Statement Procedure Required: No

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Highlights

- Local criminal justice systems may experience an increase in their annual operating costs, albeit minimally, to process cases involving failure to make a mandatory report. The number of impacted cases statewide is likely to be negligible for any given jurisdiction.
- Local criminal justice systems may realize a negligible annual reduction in revenue, as the maximum fine amount decreases from \$500 to \$250.

Detailed Analysis

The bill increases the penalty for instances when a mandatory reporter of adult abuse, neglect, or exploitation fails to make such a report, and specifies that the culpable mental state for the offense is “knowingly.”

The penalty increases from an unclassified misdemeanor offense, which is subject to only a monetary fine of \$500, to a fourth degree misdemeanor, the penalty for which is a fine of not more than \$250, a possible jail term of not more than 30 days, or both. Because the bill classifies the current offense a fourth degree misdemeanor, future cases filed in county and municipal courts may be impacted, possibly adding time and effort to process as the potential for jail time could add certain complexities to a case. As such, local criminal justice systems may experience an increase in their annual operating costs, albeit minimally.

Since the maximum permissible fine decreases from \$500 to \$250 under the bill, jurisdictions may realize less revenue than otherwise would have been the case under current law and practice. Judges commonly assess a fine in an amount that is less than that permitted in the law. A cursory review of adjudication data held by the Ohio Supreme Court via the Ohio Courts Network found no failure to report convictions from calendar years 2016 through 2020. It is possible though that the data is incomplete, or a case was dismissed or resolved with a plea to

a lesser charge. LBO has no statewide data available to study in order to determine what is typical for such cases.

Under current law, and unchanged by the bill, individuals who are subject to the mandatory reporting requirement, include but are not limited to attorneys, doctors, dentists, nurses, home health agency employees, nursing home employees, firefighters, peace officers, and clergy.