



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 67
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 67's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Seitz and Williams

Local Impact Statement Procedure Required: No

Maggie West, Senior Budget Analyst

Highlights

- If a penalty, forfeiture, or punishment for an eligible criminal offense is reduced after the bill is enacted, local courts may incur additional costs to receive and consider applications for a reduced sanction, the magnitude of which will depend on whether any such criminal offenses are impacted and the number of applications received.
- The Ohio Criminal Sentencing Commission, housed within the Ohio Supreme Court, will likely incur additional costs to develop and produce an application form, as well as to comply with the bill's written notice provisions.

Detailed Analysis

Penalty, forfeiture, or punishment reductions

The bill provides a mechanism for the retroactive reduction of the criminal penalty, forfeiture, or punishment for certain nonviolent offenses if such penalty is reduced subsequent to an offender's sentencing. Under the bill, if the sentence for a qualifying offense is reduced, an impacted person may apply to the sentencing court to have the penalty modified in accordance with the reduced sentence. The sentencing court, upon receipt of an application, has 30 days to grant or deny the request and is permitted, but not required, to hold a hearing as part of its decision-making process. Those cases that originally were resolved via a negotiated plea agreement are ineligible for such reductions.

Local courts that have sentenced a person for the applicable offense may incur additional costs to receive and consider applications for a reduced penalty, forfeiture, or punishment. The magnitude of any additional time and effort or costs incurred for any impacted court is likely to vary and will depend on the number of applications received. However, since negotiated plea

agreements are ineligible for consideration, the actual number of applications annually statewide is likely to be small.

Ohio Criminal Sentencing Commission

The bill requires the Ohio Criminal Sentencing Commission, housed within the Ohio Supreme Court, to create a sample application form that can be used by an individual to request a penalty reduction. The associated costs to develop the form would likely be one-time and minimal.

The bill requires the Sentencing Commission to review all enrolled acts enacted by the General Assembly to determine whether the act may provide a reduction in a penalty, forfeiture, or punishment for an offense. If the Sentencing Commission, upon review of the act, determines that the act may provide a reduction in a penalty, forfeiture, or punishment for an offense, the Sentencing Commission must send both a written notice and the sample application form to the State Public Defender, each county public defender, and the Correctional Institution Inspection Committee. The Commission already reviews all enrolled acts, so this review requirement is not expected to create any additional costs. However, if written notices are sent as a result of a change in penalties, there will likely be minimal additional staff time needed to provide the required written notice required by the bill, including maintaining an up-to-date list and paper and postage for written notices if electronic notification is not permitted.¹

¹ The bill is silent as to the method of conveying the prescribed notice (only that it be “written”).