



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 47
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 47's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Williams and Santucci

Local Impact Statement Procedure Required: No

Keegan Kennedy, Budget Analyst

Highlights

- The bill modifies and increases penalties for offenses involving kidnapping, abduction, and trafficking in humans. Collectively, these changes represent the “Human Trafficking Prevent Act.”
- The bill will likely have an impact on bed counts over a period of time. Based on present day cost figures, such an increase could result in annual expenditure increases of varying magnitude, peaking several years after the bill’s enactment.
- The bill’s impact on individual local criminal justice systems related to prosecuting, defending (if indigent), adjudicating, and sanctioning of offenders is not expected to exceed minimal on an annual basis.

Detailed Analysis

The bill makes several modifications and penalty enhancements to offenses generally related to (1) kidnapping, (2) abduction, and (3) trafficking in persons.

Penalty modifications and increases

Kidnapping

Under current law, the penalty for kidnapping is generally a first degree felony which is punishable by a \$20,000 fine, a minimum term of 3, 4, 5, 6, 7, 8, 9, 10, or 11 years imprisonment, or both. However, if the offender releases the victim in a safe place unharmed, kidnapping is a second degree felony which is punishable by a fine of \$15,000, a minimum term of 2, 3, 4, 5, 6, 7, or 8 years imprisonment, or both.

The bill increases the penalty for kidnapping under two circumstances and modifies elements of those circumstances. For a detailed description of these changes, please see the [LSC bill analysis](#).

Most notably for fiscal effect purposes, the bill's penalty enhancements will likely result in some number of offenders being sentenced to prison for longer terms. If the offender, by force, threat, or deception, or, in the case of a victim under the age of 18 or mentally incompetent, by any means, removes another from the place where the other person is found or restrains the liberty of the other person, for either of the following purposes, kidnapping is a first degree felony and the offender must be sentenced to an indefinite prison term consisting of a minimum of 25 years and a maximum term of life imprisonment: (1) to engage in sexual activity with the victim against the victim's will, or (2) to hold in a condition of involuntary servitude. If kidnapping is committed in these two limited circumstances and the offender releases the victim in a safe place unharmed, the offender must be sentenced to an indefinite prison term consisting of a minimum of 15 years and a maximum term of life imprisonment.

Abduction

The bill increases penalties for abduction under circumstances involving involuntary servitude or a sexual motivation from a second degree felony (punishable by a fine of \$15,000, a minimum of 2, 3, 4, 5, 6, 7, or 8 years imprisonment, or both) or a third degree felony (punishable by a fine of \$10,000, a definite minimum term of 9, 12, 18, 24, 30, or 36 months, or both) depending on the circumstances, to a first degree felony, and requires an indefinite prison term consisting of a minimum term of 25 years and a maximum term of life imprisonment under these circumstances.

Trafficking in persons

The bill decreases the culpable mental state for the commission of the offense of trafficking in persons from knowingly to recklessly and increases the penalty for committing the offense by increasing the mandatory prison terms. Under existing law, trafficking in persons is a first degree felony and the court must sentence the offender to an indefinite prison term of a minimum of ten to 15 years. The bill retains the penalty at a first degree felony, but specifies that for a violation where the offender commits the offense with the purpose of having the other person engage in sexual activity for hire with one or more third parties, the court must sentence the offender to an indefinite prison term of a minimum of 15 years to a possible maximum of life imprisonment. For a violation where the offender commits the offense with the purpose of having the other person engage in a performance for hire that is obscene, sexually oriented, or nudity oriented, the court must sentence the offender to an indefinite prison term of a minimum of 25 years to a possible maximum of life imprisonment.¹

Fiscal effects

The bill is not expected to create any more than a minimal number of new criminal cases statewide, and rather may impact the way that existing cases are adjudicated and ultimately subjected to the penalties outlined in the bill. Changes made to the trafficking in persons offenses, specifically those made to the culpable mental state, may result in additional case filings, or additional charges being filed in existing cases if the prosecutor believes that a

¹ The bill names this specific offense as "trafficking in minors or in persons with developmental disabilities."

prosecution is more likely to be successful. However, the number of new cases (cases that were not already filed under other and various charges) is likely to be minimal statewide.

LBO has not collected any evidence suggesting that the bill will have a significant effect on county criminal justice systems. As these are generally already felony level offenses, cases will remain under the jurisdiction of county courts of common pleas. The net result will likely be a complicated mix of potential outcomes, largely impacting the Department of Rehabilitation and Correction (DRC) and courts of common pleas.

The bill will likely result in increased incarceration costs to DRC over time. Increasing the prison terms for these offenses and under the specific circumstances as described in the bill, some number of this cohort will be sentenced to prison for longer prison terms, possibly life, eventually resulting in a “stacking effect” on bed counts. The table below displays the most recently available commitment and population data for like periods of time, specifically for the year ending around 2021.² For current context, in CY 2024, DRC’s inmate population averaged 45,284, with 14,411 average total new commitments. LBO presumes that the figures below are relatively stable and, proportionately speaking, likely similar if applied to today’s population counts.

For each offender sentenced to DRC, there will be increased annual marginal cost for each additional year of incarceration. For some offenders, sentencing could be for life. Based upon DRC’s 2024 Annual Report, the marginal cost to house an offender was \$13.47 per day, or \$4,917 per year.³ Marginal costs are those that increase or decrease directly on a per-person basis with changes in prison population. Such costs include medical care, food service, clothing and bedding (for inmates), and mental health services. The actual increase in costs for DRC will depend on the number of offenders who ultimately serve longer sentences under the bill than they otherwise would have under existing law, the additional length of the term, and the marginal cost per offender in each additional year of that term. Total institutional operating costs for FY 2024 totaled approximately \$1.31 billion.

Comparison of 2021 Commitments and Total Population for Specified Offenses				
Offense (most serious offense resulting in commitment to DRC)	2021 Commitments	Percentage of Total Commitments	January 2022 Population	Percentage of Total Population
Abduction	98	0.72%	159	0.37%
Kidnapping	75	0.55%	784	1.81%
Trafficking in Persons	3	0.02%	34	0.08%
All Offenses	13,677	100%	43,430	100%

FNHB0047IN-136/lb

² See DRC’s January 2021 Population Report and CY 2021 Commitment Report, which are available on the Department’s website via key word searches “Population” and “Commitment”: drc.ohio.gov.

³ See DRC’s 2024 Annual Report, which is available on the Department’s website via key word search “Annual Report”: drc.ohio.gov.