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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 211
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 211's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Humphrey and Williams

Local Impact Statement Procedure Required: No

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Highlights

- Any additional time and effort expended for a court to consider a defendant's status as a primary caretaker of a child during certain sentencing determinations is likely to be minimal.

Detailed Analysis

The bill requires a county or municipal court or court of common pleas to consider a defendant's status as a primary caretaker of a child in determining whether the defendant is amenable to a community control sanction or intervention in lieu of conviction (ILC). This includes requiring an officer of the court to investigate a defendant's status as primary caretaker of a child if the defendant files a motion that includes evidence of the defendant's status as such and requires that a defendant's status as primary caretaker of a child be included in the pre-sentence investigation (PSI), if applicable.

Based on conversations with the Ohio Judicial Conference, family history (including who the family consists of) is already included in the PSI, which is considered by a judge prior to sentencing. Therefore, any additional time and effort expended for a court to mention with specificity that a defendant is a primary caretaker of a child in a PSI or to consider that a defendant is a primary caretaker of a child in making sentencing determinations is likely to be minimal.

If, because of the bill, a defendant's status as a primary caretaker of a child were to result in community control or ILC instead of a prison or jail term, the state and certain counties could experience a savings effect. This is because the sanctioning costs would shift from the state (prison) or county (jail) to the offender, who is generally responsible for paying the costs associated with community control and ILC. While the frequency with which such a scenario may occur is uncertain, it is unlikely that it will have a discernible impact on the state or political subdivision.