



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** S.B. 76 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Sen. Coley

**Local Impact Statement Procedure Required:** No

**Subject:** Paint purple marks on trees or posts to notify potential intruders

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### State & Local Fiscal Highlights

- There may be a negligible annual increase in locally collected state court costs credited to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).
- The bill may increase the likelihood of a conviction in a relatively small number of criminal trespass cases, which could generate, at most, a minimal annual amount of court cost, fee, and fine revenue for county and municipal criminal justice systems.

### Detailed Fiscal Analysis

The bill specifies, for the offense of criminal trespass, that purple paint marks on trees or posts, placed in accordance with the bill's requirements, may be used to identify a no trespassing area.

Based on conversations with the Columbus City Attorney's Office, the bill is not expected to generate new cases for county and municipal criminal justice systems to process, but rather, a small number of cases may be somewhat easier to prosecute. Absent the bill's specification, some jurisdictions may be unable to attain convictions under this circumstance of trespassing. Currently, it is up to the presiding court to decide whether a violator should have been reasonably aware of the meaning of purple paint as a notice of unauthorized access.

A violation of criminal trespassing is a fourth degree misdemeanor, punishable by no more than a 30 day jail term, a fine of up to \$250, or both. Generally speaking, it seems unlikely that a court will impose a jail term for the circumstances addressed by the bill, but will impose a financial penalty consisting of court costs, fees, and a fine. The amount collected annually for any given county or municipal criminal justice system will be minimal at most, with the state possibly collecting \$29 for each additional misdemeanor conviction. The \$29 is divided as follows: \$20 to the Indigent Defense Support Fund (Fund 5DY0) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020).