



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 96 of the 132nd G.A.

**Status:** As Reported by House Criminal Justice

**Sponsor:** Rep. Hughes

**Local Impact Statement Procedure Required:** No

**Subject:** Sexual imposition and disorderly conduct penalties

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### State & Local Fiscal Highlights

- The bill will have no direct fiscal effect on the state.
- The bill's penalty enhancements may lengthen the jail term served by a few specified offenders. Any resulting increase in county and municipal criminal justice system incarceration expenditures is likely to be minimal at most annually.
- A minimal annual gain in locally retained fine revenue becomes possible as the bill increases the penalty for disorderly conduct, under certain circumstances, from a minor misdemeanor to a misdemeanor of the fourth degree.

### Detailed Fiscal Analysis

Under the bill, the penalties for sexual imposition and disorderly conduct will elevate under circumstances when the offender has three or more prior convictions. These penalty enhancements will affect a relatively small number of misdemeanor cases, with minimal changes in the annual revenues and expenditures of local criminal justice systems.

#### Expenditures

The bill enhances the penalty for sexual imposition when the offender has three or more previous convictions of sexual imposition or another specified sexual offense. Currently, the maximum penalty for sexual imposition is a first degree misdemeanor punishable by a jail term of not more than 180 days. Notwithstanding the ordinarily prescribed range of jail terms, the bill permits a court to impose a jail term of not more than one year for qualifying cases; thus, certain offenders convicted of sexual imposition may end up serving a longer term in jail than otherwise might have been the case under current law and sentencing practices.

The number of offenders charged with sexual imposition in any given county or municipal criminal justice system is relatively small in the context of the system's total caseload, and of those offenders, an even smaller subset would meet the specified circumstances triggering the bill's penalty enhancement. This suggests that the number

of criminal cases that will be affected by the bill's penalty enhancement will be very small.

The bill also elevates the penalty for disorderly conduct involving public intoxication from a minor misdemeanor, not subject to jail time, to a fourth degree misdemeanor, punishable by a jail term of up to 30 days, if the offender has been convicted of the offense three or more times.

The average cost per inmate for a full-service jail is estimated at between \$60 and \$70 per day. The marginal cost of occasionally incarcerating an offender for a longer period of time would be much smaller. This suggests that increasing the jail term for a relatively small number of offenders in any given year will result in a no more than minimal increase in county and municipal criminal justice system expenditures.

## **Revenues**

Charging data available from the Franklin County Municipal Court indicates that for calendar year 2016, there were a total of 1,152 charges filed with the court under the offense of disorderly conduct. However, under the restricted circumstance established by the bill, a considerably smaller number of charges would elevate from a minor misdemeanor to a fourth degree misdemeanor.

As a result of this elevation, the maximum fine amount increases by \$100, from \$150 to \$250. However, courts rarely impose the maximum permissible fine. It is also the case that collecting court costs, fees, and fines from offenders can be problematic, as many are financially unable or unwilling to pay. Although it is uncertain whether this charging trend in Franklin County closely mirrors that of other counties, and despite the issue of "collectability," presumably some counties and municipalities could gain a minimal amount of locally retained fine revenue.