



# OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 92 of the 132nd G.A.

**Status:** As Passed by the Senate

**Sponsor:** Rep. Schaffer

**Local Impact Statement Procedure Required:** Yes

**Subject:** Offense of public indecency

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### State Fiscal Highlights

- There may be a minimal at most annual increase in the Sex Offender Registration and Notification (SORN) Law registration fees credited to the state's existing Rape Crisis Program Trust Fund (Fund 5VN0), used by the Attorney General to distribute grants to eligible rape crisis programs.

### Local Fiscal Highlights

- The bill's Tier 1 registration requirement may extend the amount of time and effort needed to resolve certain sex offense cases, with any resulting annual increase in county and municipal criminal justice system operating expenses being uncertain.
- The number of additional offenders that any given county sheriff will register under the SORN Law each year is likely to be relatively small and the corresponding increase in any given county sheriff's annual registration, notification, and enforcement costs generally will be minimal. Any such costs may be offset to some degree by the collection of permissive sex offender registration fees that are retained by the county.

### Detailed Fiscal Analysis

The bill amends the offense of public indecency to require an offender who knowingly commits this offense under certain circumstances involving exposure of private parts for the purpose of sexual arousal or gratification to register under the Sex Offender Registration and Notification (SORN) Law as a Tier 1 offender.

### Charges

Data reported by the Franklin County Municipal Court indicates that, between 2011 and 2017, the number of public indecency charges filed annually ranged from 123 (2017) to 215 (2012). Extrapolating this data to the entire state based on the population of Franklin County, and assuming all other factors remain the same, one can estimate that the number of public indecency charges filed statewide in those same years ranged roughly between 1,000 and 2,400.

The bill appears unlikely to create any new arrests and prosecutions as the conduct is already prohibited under current law. It is unclear how many instances of public indecency, for which there is an arrest under current law, would include the fact pattern and circumstances, specified in the bill, in which the Tier I registration requirement would apply.

### **Trials**

Currently, a Tier 1 offender is subject to registration and verification requirements every year for a period of 15 years following their initial registration. The current public indecency prohibitions do not require SORN Law registration upon conviction. If a person is charged with the applicable public indecency provision in the bill, that person may be far less likely to bargain in order to avoid the SORN Law registration requirement. If the prosecutor wants the SORN Law registration as part of the sanction, these cases are more likely to go to trial which involve costs for juries, prosecution, and indigent defense, and possibly extended jail stays. Any resulting annual cost increase in the operating expenses of county and municipal criminal justice systems is uncertain.

### **County sheriff**

The number of additional offenders that any given county sheriff will register under the SORN Law each year is uncertain. That being said, it is likely that the number will be relatively small and that the corresponding increases in any given county sheriff's annual registration, notification, and enforcement costs generally will be minimal.

Current law permits a sheriff to charge a Tier 1 SORN Law registrant fee not exceeding a total of \$25 for certain actions in each registration year. All such fees are paid into the county general fund and then allocated to the sheriff to be used to defray SORN Law administration costs. The amount of additional fee revenue that the bill's SORN Law registration requirement may generate annually for any given county general fund will be minimal at most.

### **Rape Crisis Program Trust Fund**

Current law requires a county sheriff to charge a fee of \$100 when a person first registers as a sex offender. That fee is credited to the Rape Crisis Program Trust Fund (Fund 5NV0), which the Attorney General uses to distribute grants to rape crisis centers around the state. The amount of additional fee revenue that the bill's SORN Law registration requirement may generate annually for Fund 5NV0 is likely to be minimal at most.