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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 28
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Sen. Hottinger

Local Impact Statement Procedure Required: No

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Highlights

- The Department of Rehabilitation and Correction will likely incur additional GRF incarceration-related expenditures of up to an estimated \$2.4 million each year for offenders sentenced to prison for violating a protection order.
- The bill has no direct fiscal effect on political subdivisions.

Detailed Analysis

The bill increases the penalty for the offense of “violating a protection order” in specified circumstances. Under current law, violating a protection order generally is a first degree misdemeanor and in specified circumstances elevates to a fifth or third degree felony. The bill amends the latter such that, in specified circumstances, a violation is either a fourth or third degree felony.

According to the most recently available data from the Department of Rehabilitation and Correction (DRC), between calendar years (CYs) 2014 and 2018, there were, on average, about 80 offenders sent to state prison each year for the offense of violating a protection order. The table below shows the most recent calendar year data on the average time served for the offense of violating a protection order.

CY 2016 Prison Time Served for Protection Order Violations		
Felony Level	Offenders Released	Average Time Served
F3	27	2.41 years
F5	60	0.70 years

Under the bill, certain violations charged as a fifth degree felony under current law will be charged as either a fourth or third degree felony depending on the circumstances present. DRC commitment data would suggest that a potential maximum of 80 or so offenders committed to prison each year for violating a protection order may face an additional year or so of prison time under the enhanced penalty structure in the bill. At an annual cost of \$30,129 per inmate, a maximum of 80 or so additional beds would cost DRC up to \$2.4 million each year in institution-related GRF expenditures beginning one to two years after the effective date of the bill.

The penalty enhancements in the bill would not necessarily apply to every offender sent to prison for violating a protection order, so the potential increase in cost to DRC would likely be somewhat smaller. For example, the time-served data suggest that around 60 or so of the 80 offenders incarcerated for violating a protection order were convicted of a fifth degree felony offense. If just these 60 or so were elevated to the higher felony range, then the additional annual GRF incarceration expenditures would be around \$1.8 million.