



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 236
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 133's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. J. Smith and Plummer

Local Impact Statement Procedure Required: No

Jessica Murphy, Budget Analyst

Highlights

- Any increase in the state's prison population and related incarceration costs will be absorbed by the Department of Rehabilitation and Correction utilizing existing staff and appropriated resources.
- The state may gain some revenue in the form of locally collected court costs distributed between the Victims of Crime/Reparations Fund (Fund 4020) and the Indigent Defense Support Fund (Fund 5DY0).
- The fiscal effect on county and municipal criminal justice systems will not be significant. The annual operating costs and revenues of the former may increase to some degree. Conversely, the annual operating costs and revenues of the latter may decrease to some degree.

Detailed Analysis

Definition of "peace officer"

The bill expands the current definition of "peace officer" used in R.C. Chapter 2935 to include a hospital police officer. Under current law, certain criminal offenses carry a penalty enhancement if the victim is a peace officer. As a result of the bill then, certain offenses in which the victim is a hospital police officer will carry an enhanced penalty. For instance, under current law, assault offenses use the definition of peace officer from R.C. Chapter 2935 to increase the penalty.

The penalty for assault offenses depends on the elements involved, but generally, the bill will increase the penalty for the assault of a hospital police officer as follows: (1) from a first degree misdemeanor to a fourth degree felony (assault), (2) from a fourth degree felony to a third degree felony (aggravated assault), and (3) from a second degree felony to a first degree

felony (felonious assault). The table below summarizes the fines and sentences generally associated with these offense levels.

Current Law Fines and Sentences Generally		
Offense Level	Individual Fines	Term of Incarceration
1 st Degree Felony	Up to \$20,000	3, 4, 5, 6, 7, 8, 9, 10, 11 years definite prison
2 nd Degree Felony	Up to \$15,000	2, 3, 4, 5, 6, 7, 8 years definite prison
3 rd Degree Felony	Up to \$10,000	1, 2, 3, 4, 5 years definite prison
4 th Degree Felony	Up to \$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 months definite prison
5 th Degree Felony	Up to \$2,500	6, 7, 8, 9, 10, 11, 12 months definite prison
1 st Degree Misdemeanor	Up to \$1,000	Not more than 180 days in jail

Criminal justice systems

The bill will have two effects on local criminal justice systems. First, certain misdemeanor assault cases under current law will shift from the jurisdiction of a municipal or county court to the felony jurisdiction of a court of common pleas. Second, the penalty (sentence and fine) that can be imposed in certain felony assault cases will increase. The number of assault cases that could be affected by the bill's penalty enhancement is not readily determinable, but appears likely to be relatively small in the context of the total criminal caseload of any given county or municipal criminal justice system.

The resulting fiscal effect on county and municipal criminal justice systems will not be significant. Prosecution, adjudication, and sanctioning costs of the former may increase to some degree, as may revenues in the form of fines, fees, and court costs. Prosecution, adjudication, and sanctioning costs of the former may decrease to some degree, as may revenues in the form of fines, fees, and court costs.

The state may also gain some revenue in the form of locally collected court costs distributed between the Victims of Crime/Reparations Fund (Fund 4020) and the Indigent Defense Support Fund (Fund 5DY0). This is because the state court cost assessed for a felony (\$60) is slightly higher than that for a misdemeanor (\$29).

The bill carries two potential effects for the prison system operated by the Department of Rehabilitation and Correction (DRC). First, offenders sentenced to a prison term for a felony offense under current law may be sentenced to a longer prison term under the bill. Second, offenders that might not be prison bound under current law may be sentenced to a prison term under the bill. That said, the number of affected offenders will be relatively small in the context of a prison system housing close to 49,000 inmates. This suggests that any additional costs those offenders generate will be absorbed by DRC utilizing existing staff and appropriated resources.

Peace officer training and certification

The bill will not create any state or local training and certification costs, as hospital police officers are already subject to the same training and certification requirements as peace officers.