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Office of Research
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Office

H.B. 161
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 161's Bill Analysis](#)

Version: As Reported by House Criminal Justice

Primary Sponsor: Rep. R. Smith

Local Impact Statement Procedure Required: No

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Highlights

- The bill may slightly increase the number of felony offenders being sentenced to prison, or sentenced to a longer prison term than under current law. The corresponding annual increase in GRF institutional operating expenditures is likely to be small enough that the Department of Rehabilitation and Correction (DRC) will be able to absorb it into the daily cost of operating the state prison system.
- The bill could extend the amount of time and effort that county criminal justice systems expend to process the relatively few number of felony gross abuse of a corpse charges filed annually statewide. Any work and related costs can likely be absorbed by existing personnel and appropriated resources.

Detailed Analysis

The bill increases the penalty for the offense of “gross abuse of a corpse” from a fifth degree felony to a third degree felony. Based on a simple population-based extrapolation of charging data from Franklin County Municipal Court annual reports, LBO estimates that the total number of abuse of corpse charges filed statewide is up to between 20 and 40 annually, with some smaller subset of those likely to be affected by the bill’s penalty enhancement.

The bill will not create new gross abuse of corpse cases requiring county criminal justice systems to prosecute, adjudicate, and sanction additional offenders. As the offender faces a more serious sanction under the bill, it may extend the amount of time and effort that the prosecution, defense, and the court require to dispose of the matter. The additional work and related costs that may generate can likely be absorbed by the county criminal justice system utilizing existing staff and appropriated resources. The county may gain enhanced fine revenue and realize some savings in local sanctioning costs when the offender is sentenced to a prison term at state expense.

The bill's penalty enhancement has two potential effects on the prison system operated by the Department of Rehabilitation and Correction (DRC). First, offenders sentenced to a prison term for gross abuse of a corpse under current law are likely to be sentenced to a longer prison term under the bill. Over the last several years, at most, one offender has been sentenced to prison annually for a fifth degree felony abuse of a corpse. The average time served for a fifth degree felony runs around 0.73 years (just under 9 months); the average time served for a third degree felony runs around 2.04 years. This means that, under the bill, an offender could serve, on average, 1.31 more years in prison than generally would be the case under current law and sentencing practices.

The second potential effect on the prison system is that offenders that might not be prison-bound under current law are more likely to 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.