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Office of Research
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Office

S.B. 118
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Sen. Roegner

Local Impact Statement Procedure Required: No

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Highlights

- The bill's assault penalty enhancement may result in a small number of additional offenders being sentenced to a state prison or juvenile correctional facility. The fiscal effect would be no more than a minimal annual increase in the GRF institutional operating expenses of the departments of Rehabilitation and Correction and Youth Services.
- There may be a negligible annual gain in the state court cost revenue apportioned between the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).
- The bill may have a minimal net annual fiscal effect on local criminal and juvenile justice systems. A relatively small number of new cases requiring adjudication may arise or shift subject matter jurisdiction. The result may be a small increase or decrease in the annual operating costs, including the imposition of offender sanctions, and revenues generated by these systems.

Detailed Analysis

Sports official assault

Under continuing law, the offense of assault is committed if a person either recklessly or knowingly causes or attempts to cause physical harm to another. Unless otherwise provided, assault committed by an adult is a first degree misdemeanor for which a court may impose a jail term of not more than 180 days, a fine of up to \$1,000, or both. The bill increases the penalty to a fifth degree felony if the victim is a sports official acting in that capacity. For a fifth degree felony committed by an adult, the court is permitted to impose a definite prison term of six to 12 months, a fine of not more than \$2,500, or both.

State fiscal effects

As a result of the bill's penalty enhancement, additional offenders could be sentenced to a state prison or juvenile correctional facility.

Relative to the size of the state's prison population (48,890 as of September 3, 2019) and the number of offenders sentenced to prison annually (ranging between 17,000 and 20,000 annually), the number of offenders that could be sentenced to prison is likely to be relatively small and the associated incarceration costs minimal. The average marginal cost for the Department of Rehabilitation and Correction to incarcerate a few additional offenders is between \$3,000 and \$4,000 per offender per year.

The Department of Youth Services' (DYS) average daily population was 530 in FY 2019. The marginal cost to add a juvenile to that population is around \$24 per day, or about \$8,760 per year. This suggests that adding a relatively small number of juveniles to that population in any given year will result in no more than a minimal increase in DYS's annual institutional care and custody costs.

A few additional felony convictions stemming from the bill may generate a negligible annual amount of state court cost revenue that is collected locally and forwarded for deposit in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). The state court costs total \$60 for a felony and \$29 for a misdemeanor. The \$60 felony amount is divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020. The \$29 misdemeanor amount is divided as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020. It is also important to note that collecting court costs and fines from certain offenders can be problematic, especially in light of the fact that many are unable or unwilling to pay.

Local criminal and juvenile justice systems

The bill will effectively: (1) shift a relatively small number of adult misdemeanor assault cases from the subject matter jurisdiction of a municipal or county court to the felony jurisdiction of a court of common pleas, and (2) elevate the penalty for an assault committed by a child that is already under the jurisdiction of the juvenile court. Any case processing and adjudication cost savings for municipalities and related cost increase for counties will be minimal annually. The fine, fee, and court cost revenue that municipalities may lose and counties may gain will also be minimal annually.