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H.B. 8
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Reported by House Criminal Justice

Primary Sponsors: Reps. West and Plummer

Local Impact Statement Procedure Required: No

Maggie West, Senior Budget Analyst

The bill's revisions to the law governing the electronic recording of custodial interrogations are unlikely to result in any discernible ongoing fiscal effects on the state or political subdivisions.

The bill modifies the law governing electronic recording of custodial interrogations by requiring the recording of all statements made by a person suspected of committing certain criminal offenses during a custodial interrogation. It appears to be the practice of law enforcement agencies generally to record custodial interrogations in such circumstances. This suggests that there should be no discernible ongoing costs for law enforcement agencies to comply with the electronic recording requirement.

The bill provides guidance to the trial court regarding the admissibility of evidence obtained from a custodial interrogation where law enforcement did not electronically record a statement as required. There should be no discernible costs for trial courts to incorporate this provision into their legal proceedings.

The bill also changes provisions enacted by H.B. 1 of the 133rd General Assembly, effective April 12, 2021, regarding the prohibition against the restraint of a pregnant woman or child who is charged or has been convicted of an offense. The changes may save state and local entities time and effort that otherwise may have been expended to comply with the existing prohibition.