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Office

S.B. 34
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Sen. Brenner

Local Impact Statement Procedure Required: Yes

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Highlights

- Courts of common pleas may experience a potentially significant annual cost increase related to cases (misdemeanors elevated to felonies) moving from municipal and county courts to their jurisdiction for adjudication. Associated prosecution and indigent defense costs will increase as well.
- Court cost and fee, and fine revenue collected and retained by a county may increase due to the bill's penalty enhancements that may offset to some degree the increased costs of cases associated with the shifting from municipal and county courts to courts of common pleas.
- There are likely to be two contrasting fiscal effects on local sanctioning costs (incarceration and community supervision): (1) an increase for offenders convicted of an elevated offense that does not result in a prison term, and (2) a decrease for offenders convicted of an elevated offense that results in a prison term and would not have been the case under current law.
- The Department of Rehabilitation and Correction's annual incarceration costs are likely to increase as more offenders are sentenced to a prison term, or a longer term that would otherwise have been the case under current law.
- The bill appropriates \$500,000 GRF to the Capitol Square Review and Advisory Board in FY 2021 to be used for security enhancements at the Statehouse, including the purchase, installation, and replacement of a minimum of 60 high definition cameras and software.

Detailed Analysis

The bill increases penalties, in specified circumstances, for aggravated arson, arson, disrupting public services, vandalism, criminal damaging or endangering, and criminal mischief.

According to data reported to the Ohio Incident Based Reporting System (OIBRS), criminal damaging or endangering is a relatively high occurrence offense, with several thousand incident reports each year.¹ If a sizable percentage of these cases are elevated from a misdemeanor to a felony, as proposed by the bill, certain courts of common pleas could experience a notable increase in cases, shifting from the jurisdiction of municipal or county courts. Related revenues in the form of court costs and fees, and fines will shift from certain municipalities to the county with jurisdiction of those cases.

Additionally, by elevating the penalties of other existing misdemeanor offenses, local criminal justice systems may experience an increase in annual expenditures to incarcerate or supervise certain offenders for a longer period than otherwise may have been the case under existing law. Determining with precision the effect on local criminal justice systems is difficult due to the wide range of penalties and the manner of conduct associated with each offense.

The Department of Rehabilitation and Correction's (DRC) annual incarceration costs are likely to increase as more offenders are sentenced to a prison term, or a longer term than would otherwise have been the case under current law. The potential cost increase is not readily quantifiable. In FY 2020, DRC's average incarceration cost per inmate was \$83.72 per day, or \$30,558 annually. DRC's marginal annual incarceration cost is \$3,000 to \$4,000 per inmate.

Increased penalties

Generally, the bill raises the level of offense for the above-noted six offenses by one degree. For example, for the offense of disrupting public services, the penalty is increased from a second degree felony to a first degree felony or from a first degree misdemeanor to a fifth degree felony in some cases of arson. The fiscal effect of these changes will largely depend on the level of offense and the circumstances surrounding the conduct, but generally may result in the following:

- For an offense which is a misdemeanor under current law and a remains a misdemeanor under the bill, although higher in level, the general fiscal effect may be to increase local sanctioning costs (including incarceration and community supervision) and an increase in fine revenues, if collected. Offenses for which this is the likely scenario are criminal damaging or endangering and criminal mischief.
- For offenses that are misdemeanors under current law but rise to felony-level offenses under the bill, trial, incarceration, and supervision costs decrease for municipal and county courts and jails, but increase for courts of common pleas and DRC. Fine revenue

¹ OIBRS is a voluntary reporting program in which Ohio law enforcement agencies can submit crime statistics directly to the state and federal government. At this time, the number of law enforcement agencies submitting data to OIBRS represents approximately 80% of the population. OIBRS does not reflect final charging data or eventual sentencing, but it may provide a sense of the overall number of violations of an offense.

may also increase. This potentially happens with violations of arson, criminal damaging or endangering, and criminal mischief under certain circumstances.

- For an offense that is a felony under current law and rises to a higher level felony under the bill, there is the potential for: (1) fine revenue collected and retained by a county to increase, and (2) DRC annual incarceration costs to increase, as more offenders are likely to be sentenced to a prison term or a longer term than otherwise may have been the case under current law.

Capitol Square Review and Advisory Board

The bill appropriates \$500,000 to existing GRF line item 874320, Maintenance and Equipment, in FY 2021 for the Capitol Square Review and Advisory Board (CSRAB) to pay for security enhancements, including the installation and replacement of a minimum of 60 high definition cameras and software at the Statehouse.

CSRAB oversees the buildings, grounds, and operations of the Ohio Capitol Square Complex in downtown Columbus, including the Statehouse (completed in 1861), the Senate Building (completed in 1994), and the Statehouse underground parking garage (completed in 1964). CSRAB is responsible for maintaining these facilities and the surrounding public green space, providing educational programs through the Statehouse Museum and the Education and Visitors Center, hosting special events, and protecting the historical and architectural significance of the buildings and grounds of Capitol Square.