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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 206
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Reported by Senate Government Oversight & Reform

Primary Sponsors: Reps. Ghanbari and O'Brien

Local Impact Statement Procedure Required: No

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Highlights

- If a township chooses to adopt a resolution under the bill permitting certain enforcement authority on interstate highways, it may experience a no more than minimal annual increase in enforcement costs.
- Any additional costs incurred by a county or municipality, including case processing by the traffic violations bureau, because of increased township enforcement authority are likely to be no more than minimal annually and at least partially offset by the collection of court costs and fees.

Detailed Analysis

The bill permits a township with a population of 5,000 to 50,000 to adopt a resolution allowing enforcement of specified traffic offenses on portions of interstate highways within the township under certain circumstances. The bill also reduces the population threshold for a township to have enforcement authority on immediately adjacent interstate highways from greater than 60,000 to greater than 50,000, and specifies that the most recent federal decennial census population be used to determine the township's population.

Existing law permits a township with a population that is greater than 50,000 to enforce specified traffic laws on state highways, National Highway System highways, and interstate highways within the township's territory, while townships with a population of 5,000 to 50,000 have enforcement authority only on state highways and National Highway System highways that are not interstate highways. Existing law also permits townships to enforce traffic laws on the portion of any street or highway that is located immediately adjacent to the territory of the officer, but prohibits the enforcement of such laws on interstate highways by townships with a population of 60,000 or less.

Township populations

According to the 2010 census, of Ohio's 1,308 townships, seven have a population of more than 50,000 (West Chester Township in Butler County had more than 60,000), and 260 had a population between 5,000 and 50,000. There are 97 township police departments and no joint police districts. Under the bill, township officers representing a township with a population that is between 5,000 and 50,000, and whose territory includes a portion of an interstate highway will have specified vehicle-related offense enforcement authority. There are 21 interstate highways in Ohio, including both primary and auxiliary routes. LSC research indicates that there are approximately 40 townships with a population greater than 5,000, a township police department, and a portion of interstate highway running through the township. The number of such townships that have a permanent access point on and off the highway open to the public that is located within the township or joint police district, or within the unincorporated territory of the township for a township constable, is unclear.

Interstate highway enforcement

Based on LBO conversations with various township law enforcement officials, the bill's changes are not expected to have a discernible impact on any given township's law enforcement workload or costs. Current practice indicates that law enforcement officers of at least some, if not all, of the townships potentially impacted by the bill are already dispatched to incidents on interstate highways as part of an agreement with the Ohio State Highway Patrol. However, due to existing law's population restrictions, they must wait at the scene for the Patrol to arrive to take enforcement action unless there is an underlying criminal offense. As such, those townships will not incur any additional costs to exercise the bill's enforcement and arrest authority over the portions of interstate highway that are in the township.

If a township that does not already have such an agreement with the Patrol adopts a resolution under the bill permitting interstate highway enforcement, that township may experience a no more than minimal annual increase in enforcement costs, particularly if a citation is contested and the township officer has to appear in court.

Any additional costs incurred by a county or municipality, including case processing by the traffic violations bureau, are likely to be at least partially offset by the collection of court costs and fees.

Fine and court cost revenue

Under existing law, unchanged by the bill, townships use the Ohio Revised Code when citing for traffic offenses. As such, the fine revenue generated from citations for moving and equipment violations issued by township police officers because of traffic law enforcement on interstate highways is split equally between the township and county where the violation occurred. Also under existing law, all of the fine revenue generated from speeding violations issued by township officers on interstate highways goes to the county for highway purposes. The bill specifies that all of the fine revenue generated from speeding violations issued on interstate highways by township officers also goes to the county for highway purposes.

A violator is generally required to pay state court costs, which for a moving violation total \$37.50, and are apportioned between four state funds: the Victims of Crime/Reparations Fund

(Fund 4020), the Indigent Defense Support Fund (Fund 5DY0), the Drug Law Enforcement Fund (Fund 5ET0), and the Justice Program Services Fund (Fund 4P60).