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H.B. 690
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsors: Reps. C. Thomas and Williams

Local Impact Statement Procedure Required: No

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Highlights

- County and municipal criminal justice systems may experience some decrease in their annual operating costs because of having fewer persons to adjudicate and sanction for misdemeanor voyeurism offenses. These costs may be offset somewhat by a related reduction in court costs, fees, and fines collected. The net annual fiscal effect is likely to be negligible.
- Courts of common pleas may experience some increase in their annual operating costs because of having a small number of additional felony offenders to adjudicate. These costs may be offset somewhat by a related increase in court costs, fees, and fines collected. The net annual fiscal effect is likely to be negligible.
- The Department of Rehabilitation and Correction (DRC) may see a relatively small increase in the number of persons sentenced to a term of incarceration in a state prison for a criminal violation resulting in a correspondingly minimal annual operating cost increase.
- The state will see a negligible gain in court cost revenue collected from felony offenders deposited to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

Detailed Analysis

Under continuing law unchanged by the bill, a person is prohibited to commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another, for the purpose of sexually arousing or gratifying the person's self. A violation of the prohibition is voyeurism, a third degree misdemeanor punishable by not more than 60 days in jail and a fine of up to \$500. Under the bill, if an offender has previously been convicted of or pleaded guilty to

two or more voyeurism violations, any subsequent violation is a felony of the third degree punishable by a definite prison term of 9, 12, 18, 24, 30, or 36 months and a fine of up to \$10,000.

As a result, certain cases may shift from the jurisdiction of county and municipal courts (misdemeanor) to the county courts of common pleas (felony), and some number of repeat offenders will be sanctioned by the Department of Rehabilitation and Correction (DRC) at the expense of the state rather than sanctioned locally. The total number of affected cases is expected to be minimal. Franklin County Municipal Court reported an annual average of 13 voyeurism cases under the Revised Code between 2019 and 2023. Extrapolated to the entire state, one can expect 237 cases annually statewide. The maximum number of repeat offenders would be a subset of this annual average.

Local criminal justice system revenues and expenditures

County and municipal criminal justice systems will experience a decrease in operating expenses because of additional persons to prosecute, defend (if indigent), and sanction for repeat offenses in municipal and county courts. There will also be a related reduction in court costs, fees, and fines collected from persons convicted of misdemeanor voyeurism offenses. The net annual fiscal effect of the expenditure decrease and related revenue decrease for any given local jurisdiction is likely to be negligible.

A related increase in operating expenses for county courts of common pleas will occur because of having additional cases to adjudicate for repeat offenses. There will also be a related increase in court costs, fees, and fines collected from persons convicted of felony voyeurism offenses. The net annual fiscal effect of the expenditure gain and related revenue increase for any given court is likely to be negligible.

For those offenders that are sentenced to a term in prison, there could be a slight savings in sanctioning costs for local jails.

State fiscal effects

Department of Rehabilitation and Correction

As a result of the bill, there could be a relatively small increase in the number of persons subsequently sentenced to a term of incarceration in state prison as described above. The associated annual operating cost increase for DRC is expected to be minimal at most. The marginal cost for DRC to add a relatively small number of offenders to its total inmate population is estimated at around \$5,000 per offender per year.

State court costs

In addition to any local fines and court costs, offenders can be ordered to pay locally collected state court costs. State court costs for a felony conviction total \$60, with \$30 of that amount credited to the Indigent Defense Support Fund (Fund 5DY0), and \$30 credited to the Victims of Crime/Reparations Fund (Fund 4020). State court costs for a misdemeanor conviction total \$29: \$20 to Fund 5DY0 and \$9 to Fund 4020.

The state could see a gain of a negligible amount of court cost revenue collected from felony convictions and forwarded for deposit in the state treasury: an additional \$21 per conviction to the credit of Fund 5DY0 and an additional \$10 per conviction credited to Fund 4020.