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Office of Research and Drafting

Legislative Budget Office

H.B. 689
136th General Assembly

Fiscal Note & Local Impact Statement

Click here for H.B. 689's Bill Analysis

Version: As Reported by House Public Safety

Primary Sponsor: Rep. A. White

Local Impact Statement Procedure Required: No

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Highlights

- The bill's clarifications and modernization of fingerprinting and reporting procedures are expected to have minimal fiscal effects on state and local agencies, with certain requirements aligning, to some degree, with existing practices.
- Standardized electronic submission of fingerprints and associated records is expected to improve data accuracy and reduce incomplete dispositions, which may offset administrative workload for affected agencies.
- Courts that do not currently use electronic systems for submitting criminal records data may incur one-time technology costs, though many courts already submit electronically. Grant funding through the Ohio Courts Technology Initiative may assist with these expenses.
- The Department of Rehabilitation and Correction (DRC) may incur costs to obtain fingerprinting equipment in order to fingerprint certain individuals with pending cases. Federal grant funding may be available through the Attorney General to offset potential equipment purchases. If equipment is not available, certain DRC facilities may need to facilitate the taking of fingerprints through other means (i.e., travel to a nearby court or law enforcement agency).

Detailed Analysis

Criminal records, collection, and communication

The bill aligns and modernizes fingerprinting and disposition reporting by clarifying: (1) when fingerprints and other identifying information must be collected upon arrest or at other

stages of the criminal justice process, and (2) the procedures, timing, and responsibilities for transmitting that information to the Bureau of Criminal Investigation (BCI).

Under existing and continuing law, the Superintendent of BCI collects and records identifying information, including fingerprints, for specified offenses such as felonies, misdemeanors that can become felonies upon a subsequent offense, and certain listed misdemeanors. The bill expands this requirement to any offense for which a person is arrested and requires electronic submission of identifying information and case summaries in the form and manner prescribed by BCI.

Local fiscal effect

The procedural changes and clarifying language in the bill may create efficiencies in criminal records collection and communication that could offset associated cost increases. Subject matter experts have not identified administrative concerns to comply with these changes. Courts that do not currently use electronic reporting may incur costs to comply with the bill's electronic submission requirements, although many courts already report electronically. Grant funding available through the Ohio Courts Technology Initiative, described below, may help cover hardware or software expenses related to implementing electronic reporting for courts not already doing so.

As an example of improved efficiency, according to the Ohio Association of Municipal/County Court Clerks, clarifying that law enforcement is responsible for reporting the outcome of incidents in which fingerprints are taken but no charges are filed will help complete and close the associated criminal records file. Under current practice, when a fingerprint record exists without a corresponding disposition, it is unclear whether the record is incomplete or whether charges were never filed.

State fiscal effect

Addressing the gaps in criminal records collection and communication will also impact state agencies, namely the Department of Rehabilitation and Correction (DRC). For instance, in cases where a defendant is already incarcerated and charged with a new offense, local courts often conduct video arraignments. Courts need fingerprints and incident tracking numbers (ITNs) to complete case dispositions, but they cannot collect fingerprints locally because the individuals are housed in state facilities. The bill requires fingerprints for these pending cases to be taken in the prison, allowing ITNs and dispositions to be connected and the file to be completed.

According to DRC, the Department does electronic submission at some of their institutions, or facilitates them with the court or jail, but most do not have the necessary equipment. Although video arraignments do not happen very often, DRC anticipates potentially needing the equipment at each of the institutions. The reported cost of a fingerprinting machine was $11,668 in 2024. It is uncertain whether this equipment would be made available through federal grant funding administered by the Attorney General through the National Criminal History Improvement Program. If equipment is not available, certain DRC facilities may need to facilitate the taking of fingerprints through other means (i.e., travel to a nearby court or law enforcement agency).

Additionally, the expanded fingerprinting and reporting requirements for correctional facilities, clerks of courts, and law enforcement agencies may increase the amount of information submitted to BCI for inclusion in the state's Computerized Criminal History (CCH) system.

Additional responsibilities such as maintaining an updated list of reportable offenses, processing more fingerprint submissions, and providing training to clerks on reporting procedures will be incorporated into BCI's current duties using current resources and staff. Requiring fingerprints, forms, and other identifying information to be submitted electronically is likely to standardize reporting and reduce gaps or inconsistencies, which may help offset any workload increases and may ultimately result in administrative savings if there are fewer incomplete records as a result.

Court procedures

The bill makes changes to court procedures involving hearings for sealing or expungement and notification of adjudication of mental illness. Under current law, courts must hold a hearing on an application for sealing or expungement between 45 and 90 days after the application is filed. The bill clarifies that this timeframe does not apply when the delay is caused by the applicant, allowing for more time to obtain the fingerprints if needed. The bill also requires courts to obtain an applicant's fingerprints before sealing or expungement can occur if fingerprints were required for the offense but were never taken or never provided to the court. In such cases, the court must either take the fingerprints itself or order the applicant to appear before a sheriff or police chief for fingerprinting.

Regarding adjudications of mental illness, the bill removes the chief clinical officer of a hospital, community mental health service provider, or other facility from the list of individuals authorized to provide notice. Under current law, either the chief clinical officer or the probate judge may do so. With this change, only the probate judge is responsible for notifying the Attorney General when an individual is found by the court to have a mental illness subject to court order or becomes an involuntary patient, except when the person is admitted solely for observation.

Fiscal effect

The bill's provisions clarify existing requirements and align certain procedures with current practice, resulting in minimal fiscal effects on the affected entities. The clarification to the hearing timeframe for sealing and expungement applications is not expected to significantly affect county or municipal court workloads. The requirement to obtain fingerprints when they were required but not previously taken adds some upfront administrative work for courts, sheriffs, and municipal police departments, that should be absorbable within existing workloads and may reduce later administrative work at the backend. The bill's changes to notification of mental health adjudications streamline the process by assigning sole responsibility to probate judges, reducing the potential for gaps or duplicative notices. This may result in a slight increase in probate court administrative activity and a corresponding decrease for hospitals and community mental health service providers. Overall, these changes are expected to have a no more than minimal fiscal impact.

Paternity actions

The bill expands the authority for the Superintendent of BCI to disclose information necessary to determine the existence of a parent child relationship. Under current law, this authority applies only to certain types of paternity actions. The Ohio Judicial Conference indicates that this excludes some cases in which a court may need the same information. The bill instead allows release, pursuant to a court order, in any action to determine paternity so that all paternity-related court proceedings are treated consistently with respect to DNA accessibility

and make certain determinations easier. Any additional administrative work for BCI is expected to be handled as part of its ongoing disclosure responsibilities.

Ohio Courts Technology Initiative

The bill amends Section 221.40 of H.B. 96 of the 136th General Assembly, subsequently amended by H.B. 434 of the 136th General Assembly, as follows:

- Modifies an existing earmark of $3,350,000 in each fiscal year from GRF ALI 055321, Operating Expense, for the Ohio Courts Technology Initiative by requiring the Attorney General to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the delivery of technology services to courts throughout the state, including the provision of hardware and software, rather than to facilitate the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel under the existing earmark.
- Broadens the eligibility of the Initiative's funding to include courts of records and the clerks of courts, regardless of the counties' population instead of only applying to courts and clerks of courts of common pleas located in counties with a population of not more than 125,000 according to the most recent federal decennial census.

Fiscal effect

As a result, funding for the Ohio Courts Technology Initiative will now be directed primarily toward providing hardware and software that facilitate information sharing and data storage among Ohio courts and other justice system partners. This change removes the previously allowable use of grant funds for developing and implementing educational or training programs for judges and court personnel. However, as noted above, BCI is required under the bill to provide training on the proper methods for reporting fingerprints and dispositions. The bill also broadens eligibility for the grant program by eliminating both the common pleas court requirement and the population threshold. No additional funding is provided for the Initiative.