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Office of Research and Drafting

Legislative Budget Office

H.B. 677
136th General Assembly

Fiscal Note & Local Impact Statement

Click here for H.B. 677's Bill Analysis

Version: As Reported by House Public Safety

Primary Sponsors: Reps. Synenberg and Abrams

Local Impact Statement Procedure Required: No

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Highlights

- The Department of Rehabilitation and Correction (DRC) may experience an increase in marginal costs to house or supervise certain offenders for longer periods of time as a result of the bill's penalty enhancements for interference with custody and if additional offenders are convicted of making a false report that a child is missing leading to an alert.
- Any increase in costs or workload for local criminal justice systems to adjudicate and sanction offenders is expected to be minimal.
- Local law enforcement agencies could potentially incur additional extradition costs to comply with the bill's nationwide pickup radius requirements for warrants issued for interference with custody if the pickup radius differs from what otherwise would have been required under current law.
- The Bureau of Criminal Investigation may incur administrative costs to obtain contact information from wireless service providers to facilitate requests from public safety answering points for call location information and to disseminate that information.

Detailed Analysis

The bill: (1) modifies the law governing interference with custody, (2) requires wireless service providers to provide call location information to law enforcement in certain emergency situations, and (3) codifies the existing statewide endangered missing child alert program.

Interference with custody

Penalty enhancement

The bill increases the penalties that currently apply for certain interference of custody offenses. Under the bill, if the child who is the subject of the offense is removed from the state

or if the offender previously has been convicted of the offense, the penalty is increased from a fifth degree felony to a fourth degree felony. The bill also creates a third degree felony penalty enhancement that applies for interfering with custody if such a child is removed from the United States, which under current law could have been charged as a fifth degree felony (i.e., removed from the state). Finally, the bill repeals the penalty for when the child who is the subject of the violation suffers physical harm, which under current law is a fourth degree felony. The following table shows the penalties for felonies of the fifth, fourth, and third degrees, generally.

Felony Sentences and Fines for Offenses Generally

Offense Level	Fine	Term of Incarceration
Felony 3rd degree	Up to $10,000	9, 12, 18, 24, 30, or 36 months definite prison term
Felony 4th degree	Up to $5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term
Felony 5th degree	Up to $2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term

As seen in the table, a small number of offenders could receive longer prison sentences and increased fines under the bill than would be the case under current law. Any additional costs incurred by the Department of Rehabilitation and Correction (DRC) as a result of the bill's penalty enhancements are likely to be marginal.[1] According to the FY 2023 commitment report published by DRC, only one individual was sentenced for interfering with custody that year.

The magnitude of any additional fine revenue collected and retained by counties will depend on the amount of the fine increase and whether the fine is ultimately collected. Since the bill's conduct is already prohibited, the bill's penalty enhancements are not expected to result in additional cases for courts of common pleas, which have jurisdiction over felony level offenses.

Based on feedback from the Judicial Conference of Ohio (JCO), there are few instances of this type of custody interference annually, so any impact on the state and local criminal justice systems is expected to be minimal.

Warrant requirements

The bill requires a court that issues a warrant for the arrest of a person for interfering with custody to notify local law enforcement of the warrant, who is then required to enter the warrant into the National Crime Information Center (NCIC) and the Law Enforcement Automated Data System (LEADS) with a national pickup radius. According to JCO, courts already notify local law enforcement when a warrant is issued. Statewide agencies representing local law enforcement have indicated that any impact related to the entry of a warrant with a national pickup radius is likely to be minimal. However, if a warrant were to result in an individual being

[1] Marginal costs are those that increase or decrease directly on a per-person basis with changes in prison population (i.e., clothing, food, medical services, etc.). For FY 2025, DRC's reported marginal daily cost per offender was $13.47, or $4,917 per year.

apprehended outside of Ohio, the bill's nationwide pickup radius would effectively require the agency that entered the warrant to extradite that individual.

According to the Buckeye State Sheriffs Association (BSSA), for their offices, nationwide extradition requires two deputies for transport and can be costly and time consuming. It is presumed that other law enforcement agencies would mirror this practice. The extent to which local law enforcement agencies would incur additional extradition costs under the bill is indeterminate and would depend on several factors including (1) the number of extraditions required for interference with custody, (2) the difference between the pickup radius that would otherwise have been selected under current law, and (3) the distance and means of travel. It should be noted that warrants for interference with custody are not common and that there is no standard pickup radius for such warrants in Ohio. The pickup radius is currently determined by a judge or local law enforcement agency based on the circumstances present, the degree of the offense, and preference. That said, considering existing discretion, it is possible that a warrant resulting in a nationwide extradition under the bill could have also resulted in a nationwide extradition under current law. Similarly, just because a warrant has a nationwide pickup radius, does not mean that the warrant will result in an out-of-state or cross-country extradition.

Current law allows extradition costs to be applied as a court cost and assessed to the offender in felony cases provided the defendant is not indigent. The extent to which the bill may result in an out-of-state or cross-country extradition where the court is able to assess those costs to the offender, and the costs are ultimately collected, is indeterminate.

Call location information disclosure

The bill requires that a wireless service provider disclose call location information (CLI) concerning a user of a wireless device to specified entities in certain emergency circumstances. The bill also requires the Bureau of Criminal Investigation (BCI), under the Office of the Attorney General, to obtain contact information from all wireless service providers authorized to do business in Ohio to facilitate a request from an emergency service for CLI. BCI is required to disseminate the contact information to each public safety answering point, or PSAP, in Ohio.[2] BCI will likely incur some minimal costs, one-time and ongoing, to obtain and maintain this information. However, investigative efficiencies may result statewide if certain information is obtained more quickly and easily. Any increase in work and related costs is expected to be absorbed using existing staff and resources.

Statewide Endangered Missing Child Emergency Alert Program

The bill codifies the existing Statewide Endangered Missing Child Emergency Alert Program. Statewide Endangered Missing Child Emergency Alerts are issued for missing children cases that do not meet the criteria for a Statewide AMBER Alert. The program will generally continue operating as it does currently, with no changes to the activation criteria. However, the bill allows local law enforcement to initiate an alert directly through the Ohio Law Enforcement

[2] A PSAP is an entity responsible for receiving requests for emergency services sent by dialing 9-1-1 within a specified territory and processing those requests for emergency services according to a specific operational policy that includes directly dispatching the appropriate emergency service provider, relaying a message, or transferring the request for emergency services to such provider, and can be a physical location or virtual.

Gateway (OHLEG),[3] which will automatically notify the appropriate law enforcement partners. This automated process aligns the program with other statewide alert systems and replaces the current practice of contacting BCI by telephone to request an alert. The bill therefore streamlines the process with minimal, if any, associated costs.

Criminal and civil provisions

The bill prohibits a person from knowingly making a false report that a child is missing and that leads to implementation of the alert program, or a local or regional emergency alert program. A violation of the prohibition is a fourth degree felony, which is subject to a definite prison term of 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months, a fine of up to $5,000, or both. Any increase in costs or workload for local criminal justice systems, including courts of common pleas, to adjudicate and sanction a small number of felony offenders, is expected to be minimal. There is a presumption that a sentence of community control will be imposed for fourth degree and fifth degree felony offenders, so the bill is not expected to have a discernible impact on DRC.

The bill further provides that any radio broadcast system, TV broadcast station, or cable system participating in the alert program, and a director, officer, employee, or agent of a station or system participating in the alert program, is immune from liability for damages for any loss allegedly caused by or resulting from a broadcast or cablecast of any information pursuant to the alert program, including a failure to do so. This civil immunity provision may prevent, or more quickly resolve, certain civil court actions, potentially leading to savings for courts that may adjudicate these cases.

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[3] The Ohio Law Enforcement Gateway is a free, web-based platform that allows law enforcement agencies to share criminal justice data. It is administered by the Ohio Attorney General.