



# Ohio Legislative Service Commission

*Joseph Rogers*

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 123 of the 131st G.A.

**Date:** May 24, 2016

**Status:** As Enacted

**Sponsor:** Reps. G. Johnson and Cupp

**Local Impact Statement Procedure Required:** No

**Contents:** Notification of alibi defense; waiver of presentence investigation report

### State Fiscal Highlights

- No direct fiscal effect on the state.

### Local Fiscal Highlights

- Potential savings effect for counties, as the bill's waiver of presentence investigation report provision may: (1) reduce the number of reports that probation departments are required to perform, and (2) move certain offenders more expeditiously from local incarceration into a less expensive nonresidential sanction.

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## Detailed Fiscal Analysis

### Notification of alibi defense

The bill increases, from three to seven, the number of days before trial by which a criminal defendant must file and serve on the prosecuting attorney a written notice of their intent to establish an alibi. This provision brings legislatively enacted statutory law into alignment with the criminal rules governing practice and procedure in courts of the state as prescribed by the Supreme Court of Ohio. More specifically, Rule 12.1 of the Ohio Rules of Criminal Procedure requires written notice be made not less than seven days before trial. As the provision reflects current practice, it will have no direct fiscal effect on the state or any of its political subdivisions.

### Waiver of presentence investigation report

The bill allows a waiver of the presentence investigation (PSI) report normally required before a court may sentence a felony offender to community control. The court retains the ability to order a PSI report even if it is waived by the prosecution and defense. This provision may produce a savings effect in two ways. First, a county probation department may experience some reduction in the number of PSI reports that it otherwise might have been required to produce.

Second, it may reduce the length of stay that a felony offender is incarcerated prior to being sentenced into what is generally a less expensive nonresidential sanction. In some instances, a PSI report can take weeks to complete. Under current law, an offender must wait for a PSI report to be prepared and provided for the court's consideration before to the court can sentence a felony offender to community control.