



OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

Fiscal Note & Local Impact Statement

Bill: S.B. 20 of the 132nd G.A.

Status: As Reported by Senate Judiciary

Sponsor: Sen. Hackett

Local Impact Statement Procedure Required: No

Subject: Mandatory additional prison term for felony offense of endangering children or felonious assault of a child where victim suffered permanent disabling harm

State and Local Fiscal Highlights

- The bill will increase the GRF incarceration costs for the Department of Rehabilitation and Correction by up to \$3.7 million annually, as certain offenders sent to prison for a felony offense of endangering children or felonious assault of a child will likely serve an additional three to eight years for permanently disabling the victim. This annual cost increase will not begin to be realized for at least five years or so following the bill's effective date.
- The bill will have no direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

The bill requires courts to impose an additional prison term of three to eight years if an offender is convicted of, or pleads guilty to: (1) a felony offense of endangering children or felonious assault of a child, and (2) a specification that the victim suffered permanent disabling harm as a result of the offense. The result will be an increase in the Department of Rehabilitation and Correction's (DRC) GRF incarceration expenditures of up to \$3.7 million annually.

The most recently compiled data on offenders sent to prison in calendar year 2015 indicates that up to about 36 offenders, or 0.2%, out of a total intake population of 19,844, were convicted of a felonious assault in which the victim required in-patient hospitalization. It is likely that the majority of these victims recovered from their injuries with no permanent disability.

According to DRC, which reviewed the case files for victim information, current sentencing patterns in these cases, and the estimated additional years for the permanent disabling harm specification, the bill will likely require the addition of 100 to 150 beds. At the current annual incarceration cost of \$24,763 per offender, the additional beds will create up to \$3.7 million in annual GRF incarceration-related expenditures (\$24,763 x 150 beds). Since these offenders generally would have been sentenced to a prison term for a felony offense of violence under current law, the fiscal effect created by the bill would not begin to occur for perhaps five years or so following its effective date.

In effect, by extending prison stays beyond what the amount of time served would otherwise have been under current law, the bill will trigger a "stacking effect," which refers to the increase in the prison population that occurs as certain offenders currently serving time stay in prison longer while the number of new offenders entering the prison system does not decrease. Typically this "stacking" process will stabilize when the number of offenders who begin serving their additional time is about the same as the number leaving prison after serving their additional time.

Additionally, there is a possibility that the presence of the bill's specification will be used in the bargaining process to induce the accused to accept a plea agreement that reduces potential years served in exchange for a guilty plea. To the extent this occurs, the total number of additional beds stemming from the bill would be reduced.