



# OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 149 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Reps. Patmon and Conditt

**Local Impact Statement Procedure Required:** No

**Subject:** Abortion trafficking

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### State Fiscal Highlights

- As a result of the bill's felony penalty, there could be a very small number of additional offenders sentenced to a state prison, which would result in a minimal annual increase in the institutional operating expenses of the Department of Rehabilitation and Correction.
- There may be a negligible annual gain in the amount of the locally collected court cost that is credited to the Victims of Crime/Reparations Fund (Fund 4020) and the Indigent Defense Support Fund (Fund 5DY0).

### Local Fiscal Highlights

- An abortion trafficking case will shift from a municipal or county court to a common pleas court. This means that the associated costs (law enforcement, prosecution, adjudication, and sanctioning if there is a conviction) and revenues (fine, court costs, and fees) shift as well. Given the apparent infrequency of this type of case, the magnitude of the local cost and revenue shift is likely to be minimal annually.

### Detailed Fiscal Analysis

Under the existing offense of abortion trafficking, a person is prohibited from experimenting upon or selling the product of human conception that is aborted, a violation of which is a first degree misdemeanor. The bill: (1) expands the offense to also prohibit an abortionist or person associated with the abortionist from financial benefitting from, or receiving any type of compensation or reimbursement, (2) makes a violation of both the existing law and expanded prohibition a third degree felony, and (3) provides that whoever "knowingly" violates the prohibitions commits the crime of abortion trafficking.

LSC research suggests that criminal prosecutions for a violation of the current abortion trafficking prohibition are very infrequent. In 2015, the Ohio Attorney General's Office released the results of an investigation into the alleged sale of fetal tissue by Planned Parenthood affiliates, which produced no evidence or indications of

any abortion trafficking offenses. Annual charging data from the Franklin County Municipal Court does not show any charges filed for abortion trafficking. While this is not necessarily an indication that charges are never filed, the lack of any accounting in the county charging reports does suggest they occur infrequently.

As a result of the felony penalty enhancement in the bill, an abortion trafficking case that otherwise would have been under the subject matter jurisdiction of a municipal or county court shifts to that of a common pleas court. This means that the associated costs (law enforcement, prosecution, adjudication, and sanctioning if there is a conviction) and revenues (fine, court costs, and fees) shift as well. Given the apparent infrequency of this type of case, the magnitude of the local cost and revenue shift is likely to be minimal annually.

The bill may result in a relatively small statewide increase in the number of persons convicted of abortion trafficking and subsequently sentenced to a term in prison. The result would be a minimal annual increase in the Department of Rehabilitation's (DRC) GRF institutional operating expenditures. The marginal annual cost for small increases in the inmate population is around \$4,000 per inmate, which covers the basic additional cost for food, clothing, medical care, and so forth. According to DRC's most recent data, the calendar year 2014 time served for a third degree felony averaged 2.04 years.

The bill's penalty enhancement means a negligible amount of additional state court cost revenue may occasionally be collected. In misdemeanor cases, the court is generally required to impose state court costs totaling \$29, with \$20 being credited to the Indigent Defense Support Fund (Fund 5DY0) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020). In the case of a felony, the state court costs are \$60 with \$30 credited to Fund 5DY0 and \$30 to Fund 4020.