



OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

Fiscal Note & Local Impact Statement

Bill: S.B. 138 of the 132nd G.A.

Status: As Introduced

Sponsor: Sen. Eklund

Local Impact Statement Procedure Required: No

Subject: Body cavity and strip searches

State & Local Fiscal Highlights

- The bill will have no direct fiscal effect on the state.
- The bill's regulatory provisions will not affect the costs that local jails and detention facilities incur to conduct body cavity and strip searches.
- The bill's removal of strip search violations from existing law's criminal and civil remedies may result in a local savings effect, as common pleas, municipal, and county courts with jurisdiction over such matters would presumably see some reduction in cases requiring adjudication.

Detailed Fiscal Analysis

The bill amends the law governing body cavity and strip searches in Ohio jails or local detention facilities by: (1) expanding the authorization for the conduct of body cavity searches currently granted to law enforcement personnel to also apply to corrections officers and corrections agency employees, (2) removing strip searches from the application of provisions regulating body cavity searches and establishes new rules and procedures to regulate local detention facility personnel in requiring strip searches for persons detained in the facility, and (3) limiting criminal and civil actions regarding violations of the law governing body cavity searches and strip searches.

Body cavity searches

The bill's body cavity search provision essentially allows corrections officers and employees, in addition to law enforcement officers, to conduct body cavity searches in jails or local detention facilities. According to current personnel operating such facilities, body cavity searches are relatively infrequent, and are typically conducted only after a search warrant is issued. This provision is not expected to create any additional costs related to these searches. Other local body cavity search rules and procedures that may be in place are not expected to be affected by this provision.

Strip searches

Under current law, the regulations governing strip searches are largely the same as those governing body cavity searches. In accordance with U.S. Supreme Court case law, the bill removes strip searches from the regulatory framework that governs body cavity searches. The bill will allow jails and local detention facilities to strip search everyone processed into a facility, which is not permitted under current law. This change will not create any fiscal cost, as persons are currently required to remove clothing when issued facility uniforms. Only a few more seconds would be required to complete a strip search.

Criminal and civil remedies

Under current law, a violation of body cavity or strip search regulations may constitute a misdemeanor offense, and constitute a cause of action for a civil remedy. The bill removes strip searches from the coverage of these criminal and civil provisions. The result may be a very small reduction in certain misdemeanor cases or civil actions in cases involving strip searches, and presumably some savings effect for common pleas, municipal, and county courts with jurisdiction over such matters.