



OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

Fiscal Note & Local Impact Statement

Bill: H.B. 30 of the 132nd G.A.
(L_132_0184-9)

Status: In House Criminal Justice

Sponsor: Rep. Koehler

Local Impact Statement Procedure Required: No

Subject: Mandatory additional prison term for felonious assault where victim under age six suffered permanent disabling harm

State & Local Fiscal Highlights

- The bill will likely create a minimal annual increase in GRF incarceration costs for the Department of Rehabilitation and Correction, as certain offenders sent to prison for felonious assault will likely serve an additional six years for permanently disabling a victim under age six.
- The bill will have no direct fiscal effect on any of the state's political subdivisions.

Detailed Fiscal Analysis

The bill requires a court to impose an additional prison term of six years if an offender is convicted of, or pleads guilty to: (1) felonious assault, and (2) a specification that the victim, who must be under six years of age at the time of the offense, suffered permanent disabling harm as a result of the offense.

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 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. Of these 36 offenders, the number that would have victimized a child less than six years of age in the commission of the offense is likely to have been very small. This suggests that the combination of three elements in the same criminal act – (1) felonious assault, (2) permanent disabling harm, and (3) victim under age six – likely occurs infrequently. This means any related increase in the Department of Rehabilitation and Correction's GRF-funded incarceration costs as a function of the bill's mandatory additional prison term will likely be minimal annually.

Synopsis of Fiscal Effect Changes

The difference in the fiscal effects between the As Introduced version of the bill and the adopted substitute version (L_132_0184-9) is a function of the fact that, under the latter version, the specification requiring a mandatory prison term is likely to apply to considerably fewer offenders than otherwise would have been the case under the As Introduced version. That version created an additional prison term for any of more than 30 offenses of violence if the victim suffered permanent disabling harm and was under six years of age. The resulting increase in DRC's annual GRF incarceration costs was estimated at up to between \$1.0 million and \$2.8 million. The substitute version's narrowing of the specification's applicability means that fewer offenders will be eligible for the mandatory prison term and the resulting increase in DRC's annual GRF incarceration costs is likely to be minimal annually.

HB0030H1.docx/lb