



# OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

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## Fiscal Note & Local Impact Statement

**Bill:** S.B. 20 of the 132nd G.A.  
(L\_132\_0184-12)

**Status:** In House Criminal Justice

**Sponsor:** Sen. Hackett

**Local Impact Statement Procedure Required:** No

**Subject:** Mandatory additional prison term for felonious assault of a child under age ten where victim suffered permanent disabling harm

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### State & Local Fiscal Highlights

- Starting approximately six years after its effective date, the bill will likely create an annual increase in GRF incarceration costs for the Department of Rehabilitation and Correction that can be absorbed utilizing existing staffing levels and appropriated funds. The cost increase results from certain offenders being sent to prison for felonious assault serving an additional six years for permanently disabling a victim under age ten.
- The bill will have no direct fiscal effect on 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 ten 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 under age ten in the commission of the offense is likely to have been 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 ten – likely occurs relatively infrequently.

The bill's penalty enhancement best describes circumstances that, under current law, likely fit felonious assault of the second degree. The Department of Rehabilitation and Correction's (DRC) most recent time-served data indicates that the average time served for this offense is close to five years. The bill adds six years, potentially taking the average time served up to 11 years.

The expected small number of offenders subject to the bill's additional six-year prison term will affect the marginal cost of DRC's GRF-funded institutional operations. The marginal cost of adding a small number of offenders to the prison system each year is around \$3,500 per offender. This suggests that, starting approximately six years after its effective date, the bill will likely create a minimal annual increase in GRF incarceration costs for DRC. It is expected that DRC can absorb this cost increase utilizing existing staffing levels and appropriated funds.

## **Synopsis of Fiscal Effect Changes**

The difference in the fiscal effects between the bill's As Passed by the Senate version and the substitute version adopted by the House committee (L\_132\_0184-12) 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 Passed by the Senate version. That version created an additional prison term of three to eight years for felonious assault or a felony offense of endangering children if the victim suffered permanent disabling harm and was under age 13 or a mentally or physically handicapped child under age 21. The resulting increase in DRC's annual GRF incarceration costs was estimated at up to \$3.7 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.