



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 5
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 5's Bill Analysis](#)

Version: As Reported by Senate Judiciary

Primary Sponsors: Sens. Kunze and Dolan

Local Impact Statement Procedure Required: Yes

Joseph Rogers, Senior Budget Analyst

Highlights

- The bill may slightly increase the size of the state's prison population. Any resulting increase in the Department of Rehabilitation and Correction's GRF-funded incarceration expenditures is likely to be less than \$100,000 annually.
- The bill has no direct fiscal effect on political subdivisions.

Detailed Analysis

The bill modifies the penalties for the offense of promoting prostitution. This offense, under the bill as well as current law, is generally a fourth degree felony. Under the bill, if the prostitute being managed or controlled by the offender is a minor, or this offender is also convicted of a drug trafficking offense, then the penalty is a third degree felony. If the offender has two or more previous convictions for promoting prostitution, the penalty is increased to a second degree felony.

State fiscal effects

Under current law and sentencing patterns, on average about ten offenders are incarcerated in the state prison system each year for the offense of promoting prostitution. The bill does not create any new criminal cases, but may result in a few offenders being sent to prison that may have been sentenced to community sanctions under current law. Also under the bill, certain offenders may receive longer prison sentences than they might have been given under current law.

The average time served for a fourth degree felony offense is 1.1 years. Similarly, the average time served for third degree and second degree felonies is 2.2 and 4.0 years, respectively. The net impact of the bill on the Department of Rehabilitation and Correction is that up to as many as ten or more offenders, out of a total inmate population of around 49,000,

may possibly serve somewhere between one and three additional years depending on the circumstances of their case. The marginal annual cost for a small number of additional bed years is about \$3,500 per bed. If ten offenders were convicted at the second degree felony level, the maximum annual increase in cost to the Department would be around \$105,000 (10 offenders x 3 additional years x \$3,500) starting four years more or less after the bill's effective date. The likely actual annual increase in incarceration-related expenditures would be less, as not every case will involve the circumstances necessary to justify charging an offender with a second or third degree felony.

Local fiscal effects

The bill does not create any new criminal offenses and will not change the number of arrests and subsequent convictions for promoting prostitution. The small number of existing cases indicates there would really be no discernible ongoing fiscal impact on county criminal justice systems.