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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 260
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 260's Bill Analysis](#)

Version: As Enacted

Primary Sponsor: Sen. S. Huffman

Local Impact Statement Procedure Required: No

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Highlights

- It is expected that violations of the bill's prohibition will be infrequent, suggesting that there should be no discernible ongoing effect on the workload and related annual operating costs of county criminal justice systems.
- The marginal annual cost of adding what is potentially an extremely small number of offenders to the prison system administered by the Department of Rehabilitation and Correction is around \$4,000 per offender.
- The State Medical Board may realize an occasional increase in costs to investigate and subsequently discipline a physician that violates the bill's prohibition.

Detailed Analysis

The bill prohibits a physician from personally furnishing or providing an abortion-inducing drug to a woman unless the physician is physically present where and when the initial dose of the drug is consumed. Knowingly failing to comply with the prohibition generally is a fourth degree felony. If the offender has previously been convicted of violating the prohibition or other abortion laws, the offense is a third degree felony.

The associated sentences and fines for felonies of the fourth and third degree under existing law, and unchanged by the bill, are summarized in the table below. The sentencing court is permitted to impose a definite prison term, a fine, or both.

It is likely that violations of the bill's prohibition will be few and infrequent, in particular in the case of physicians who would essentially be at risk of personal liability by exposing themselves to the possibility of a criminal prosecution, a civil action, and an investigation by the State Medical Board. This suggests that there should be no discernible ongoing effect on the workload and related annual operating costs of county criminal justice systems. The marginal

annual cost of adding a relatively small number of offenders to the prison system administered by the Department of Rehabilitation and Correction is around \$4,000 per offender. Additionally, the State Medical Board may realize an occasional increase in costs to investigate and subsequently discipline a physician action that violates the prohibition.

Sentences and Fines for Certain Felony Offenses Generally		
Offense Level	Fine	Term of Incarceration
Felony 3 rd Degree*	Up to \$10,000	9, 12, 18, 24, 30, or 36 months definite prison term
Felony 4 th Degree*	Up to \$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term

*Under the existing Felony Sentencing Law, in the case of a third degree felony, there is no presumption in favor of the imposition of a prison term, subject to certain exceptions. In the case of a fourth degree felony, there is a presumption generally for the imposition of a term of community control.