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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 22  
134<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 22's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Reps. LaRe and Wilkin

**Local Impact Statement Procedure Required:** No

Shaina Morris, Budget Analyst

### Highlights

- The expansion of the offense of obstructing justice may increase the annual costs that a county criminal justice system incurs to process cases, specifically the costs associated with prosecution and indigent defense or incarceration if sentenced to a jail term. Any increase is likely to be minimal annually.
- The bill may increase the number of offenders being sentenced to prison and may lengthen some prison terms. The Department of Rehabilitation and Correction's marginal annual incarceration cost for a small number of additional offenders is \$3,000 to \$4,000 per offender.

### Detailed Analysis

The bill expands the offense of obstructing justice to include failure to follow a lawful order from a law enforcement officer or diverting a law enforcement officer's attention (which may include taunting or striking, throwing an object, or otherwise interfering or obstructing a law enforcement officer). Generally, the penalty for obstructing justice is similarly structured based on the underlying criminal conduct the offender is aiding.

- If the underlying crime is a misdemeanor, obstructing justice is a misdemeanor of the same degree as the underlying criminal conduct.
- If the underlying criminal conduct is a felony, obstructing justice is a fifth degree felony.
- If the underlying offense is aggravated murder, murder, or a first degree felony, obstructing justice is a felony of the third degree.

The table below illustrates penalties for obstructing justice and their corresponding underlying offense.

<b>Penalties for Obstructing Justice Under Current Law</b>	
<b>Underlying Offense</b>	<b>Obstructing Justice Penalty</b>
Misdemeanor	Misdemeanor of the same degree as the underlying criminal conduct
3 <sup>rd</sup> , 4 <sup>th</sup> , or 5 <sup>th</sup> degree felony	5 <sup>th</sup> degree felony
1 <sup>st</sup> or 2 <sup>nd</sup> degree felony	Up to a 1 <sup>st</sup> degree felony

The bill largely addresses conduct prohibited under current law. According to conversations with the Ohio Prosecuting Attorneys Association, the bill may make certain behavior more prosecutable. The bill provides the standard of “recklessly,” as compared to current law requiring the culpable mental state of “knowingly” causing or attempting to cause “physical harm.” The result potentially increases the number of cases where charges could be brought and/or a more serious sanction of the offender than otherwise may have occurred under current law. It could also affect successful prosecutions, as charges such as these may be utilized in the bargaining phase. Since a charge of “obstructing justice” would likely accompany other charges, it is unlikely that many new criminal cases will be created because of the bill.

To the extent that additional offenders may be convicted of a felony, the result may be a marginal increase in the size of the prison population that the Department of Rehabilitation and Correction (DRC) will likely absorb by utilizing existing staff and resources. The annual marginal cost for adding an additional offender to the prison system is about \$4,000 per offender. The expansion of the offense of obstructing justice may also increase the annual costs that a county criminal justice system incurs to process cases, specifically the costs associated with prosecution and indigent defense, or incarceration if sentenced to a jail term.