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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 383
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Rep. Koehler

Local Impact Statement Procedure Required: No

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Highlights

- For each offender affected by the bill's increased penalties, the Department of Rehabilitation and Correction could incur additional estimated costs of up to between \$95,948 and \$238,276 to incarcerate that offender for approximately three to seven more years.
- The bill is unlikely to generate any discernible ongoing costs for county criminal justice systems, as no new felony cases will be generated to prosecute and adjudicate.

Detailed Analysis

The bill increases the penalties for the offense of "having weapons while under disability" from a third degree felony to a first or second degree felony when committed under specified circumstances. The circumstances include a prior conviction, or adjudication as a delinquent child, for a felony offense of violence or the offense of "having weapons while under disability."

The Felony Sentencing Law for felonies of the first, second, and third degree, which is unchanged by the bill, is summarized in the table below.

Table 1. Felony Sentences and Fines under Current Law

Offense Level*	Fine	Term of Incarceration
F-1	Up to \$20,000	Indefinite prison term consisting of a minimum term selected by the sentencing judge from the range of terms authorized for a first degree felony (3, 4, 5, 6, 7, 8, 9, 10, or 11 years), and a maximum term set by statute and based on the minimum selected

Table 1. Felony Sentences and Fines under Current Law		
Offense Level*	Fine	Term of Incarceration
F-2	Up to \$15,000	Indefinite prison term consisting of a minimum term selected by the sentencing judge from the range of terms authorized for a second degree felony (2, 3, 4, 5, 6, 7, or 8 years), and a maximum term set by statute and based on the minimum selected
F-3	Up to \$10,000	9, 12, 18, 24, 30, or 36 months definite prison term

*"F" denotes a felony

Department of Rehabilitation and Correction

The average time served for a third degree felony offense of "having weapons while under disability" was 1.67 years as last reported by the Department of Rehabilitation and Correction (DRC) for CY 2016, which was less than the average time served generally for a third degree felony (2.33 years). The average time served for first and second degree felonies was 8.40 years and 4.38 years, respectively.

From CY 2016 through CY 2020, 4,043 offenders were sentenced to DRC for whom their primary offense was "having weapons while under disability," an average of 809 offenders per year (see table below). Under the bill, some number of these similarly situated offenders in the future may serve between 2.1 and 6.73 years more than they might otherwise under current law.

For FY 2021, DRC reported an average annual cost per inmate of \$35,405. This suggests that, for each offender affected by the bill's increased penalties, DRC could incur additional estimated costs of up to between \$95,948 and \$238,276 to incarcerate that offender for approximately three to seven more years.

Table 2. Prison Commitments for Having Weapons While Under Disability, Calendar Years 2016-2020		
Year	Total Commitments for Having Weapons While Under Disability	Percent of Total Commitments
2020	600	5.37%
2019	884	5.24%
2018	895	5.09%
2017	870	4.67%
2016	794	3.99%

Source: DRC Commitment Reports

County criminal justice systems

The bill is unlikely to generate any discernible ongoing costs for county criminal justice systems, as no new felony cases will be generated that require prosecution and adjudication.