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Office

S.B. 226
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 226's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Sens. Kunze and Antonio

Local Impact Statement Procedure Required: No

Shaina Morris, Budget Analyst

Highlights

- The extension of the statute of limitations for the prosecution of offenses indicating abuse or neglect of a child may create a few additional cases for county criminal justice systems to process annually. Any related increase in costs for prosecution, indigent defense, and adjudication are not likely to exceed minimal in any given year.
- The extension of the statute of limitations for the prosecution of offenses indicating abuse or neglect of a child may produce a few additional convictions that result in the imposition of a prison term, which would minimally increase the state's annual incarceration costs.
- There may be a negligible annual gain in the amount of locally collected state court costs deposited into the Victims of Crime/Reparations Fund (Fund 4020) and the Indigent Defense Support Fund (Fund 5DY0), as, each year, a few additional persons may be convicted of the offense of abuse or neglect of a child.

Detailed Analysis

The bill extends the tolling of the criminal period of limitation for offenses involving a wound, injury, disability, or condition that reasonably indicates abuse or neglect of a child under age 18 or of a child with a developmental disability or physical impairment under age 21 from the age of majority to age 26. Under the bill, the period of limitation for such a violation does not begin to run until either: (1) the victim of the offense reaches age 26, or (2) a public children services agency, or a municipal or county peace officer who is not the child's parent or guardian, in the county in which the child resides or in which the abuse or neglect is occurring or has occurred has been notified that abuse or neglect is known, suspected, or believed to have occurred.

These changes apply to an offense committed on or after the bill's effective date and offenses committed prior to that date if prosecution for that offense was not barred under the period of limitation for the offense as it existed on the day prior to that date.

As a result of this change, additional criminal cases could be adjudicated that otherwise may have been barred under current law. The bill may increase county criminal justice system costs, in terms of prosecution, defense, and adjudication costs, if additional abuse or neglect of a child cases are generated. The cases are likely to be adjudicated in county courts of common pleas. The exact number of future cases is uncertain, but not expected to be large, relative to existing caseloads. According to the Office of the Ohio Public Defender, the majority of cases are filed shortly after a public children services agency, or a municipal or county peace officer are made aware of the alleged activity. Thus, it is not likely there will be a significant increase in filings. If new offenders are convicted, and sentenced to a prison term, the bill may create additional costs for the Department of Rehabilitation and Correction (DRC). The marginal cost of adding one offender to that system is currently between \$3,000 and \$4,000 annually.

Given the small number of likely additional child abuse convictions, and the difficulties of collecting financial sanctions from unwilling or indigent offenders, the amount of state and local revenues that might be gained annually will be negligible. Courts are generally required to order an offender convicted of a criminal offense to pay a mix of state and local court costs and fines. A court is permitted to waive their collection if the offender is determined to be indigent. If collected, that amount remitted to the state is divided as follows: \$30 to the Indigent Defense Support Fund (Fund 5DY0) and \$30 to the Victims of Crime/Reparations Fund (Fund 4020).