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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 532**  
**135<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for H.B. 532's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsor:** Rep. Lorenz

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- The bill's felony level penalty enhancements for assault cases on court-related personnel and the expansion of the definition of "peace officer" to include bailiffs or deputy bailiffs of a municipal court and probation officers (thus making those individuals eligible for the advance penalties extended to peace officers) may have a minimal net annual fiscal effect on the revenues and expenditures of local criminal and juvenile justice systems.
- Some misdemeanor cases may shift from the jurisdiction of county and municipal courts to courts of common pleas due to the increase in first offense assault cases on court-related personnel. The state may realize annual gains in state court cost revenue apportioned between the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). Likewise, certain local courts may also realize a slight gain in fines and court costs.
- The bill may increase the GRF institutional operating expenses of the departments of Rehabilitation and Correction and Youth Services if individuals are sentenced to new or longer prison/supervision terms.
- The bill's expansion of the Revised Code's general definition of "peace officer" to include bailiffs or deputy bailiffs of a municipal court and probation officers will likely have statewide impacts across most local jurisdictions employing such personnel. The net statewide impact is indeterminate.

## Detailed Analysis

### Overview

#### Court official assault

The bill increases the penalty for assault if the victim is a judge, magistrate, prosecutor, or court official or employee engaged in the performance of the victim's duties from a first degree misdemeanor to a fifth degree felony on a first offense. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against justice system personnel, the penalty is increased from a fifth degree felony to a fourth degree felony.

Penalties for Assault if Victim is a Judge, Magistrate, Prosecutor, or Court Official		
Offense Level	Fine*	Term of Incarceration
<b>Current law</b>		
<b>First offense:</b> Misdemeanor, 1 <sup>st</sup> degree	Up to \$5,000	Jail, not more than 180 days
<b>Subsequent offense:</b> Felony, 5 <sup>th</sup> degree	Up to \$5,000	6, 7, 8, 9, 10, 11, or 12 months definite prison term
<b>Penalty enhancement under the bill</b>		
<b>First offense:</b> Felony, 5 <sup>th</sup> degree	Up to \$5,000	6, 7, 8, 9, 10, 11, or 12 months definite prison term
<b>Subsequent offense:</b> Felony, 4 <sup>th</sup> degree	Up to \$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term

\*The judge is permitted to assess a special fine up to \$5,000 under R.C. 2903.13(C)(9)(a).

#### Bailiffs and probation officers as peace officers

The bill expands the Revised Code's general definition of "peace officer" to include bailiffs or deputy bailiffs of a municipal court and probation officers. Additionally, the bill defines probation officers as a probation officer appointed by a municipal court, county court, or a court of common pleas. As a result of the bill's change to this definition, bailiffs or deputy bailiffs of a municipal court and probation officers are considered peace officers for purposes of at least 93 additional Revised Code sections, including several provisions related to arrest or the issuance and execution of warrants, as well as the application of increased penalties for assault when the victim is a peace officer. This may increase costs if jurisdictions employing such individuals choose to expand their job duties beyond what is currently prescribed (e.g., executing warrants). However, it is also possible that this could lead to certain administrative efficiencies and workload shifting. The net impact for any given jurisdiction would likely be highly variable.

An additional result of including bailiffs or deputy bailiffs of a municipal court and probation officers in the definition of peace officers is that those individuals would also be

included in the classification under the assault statute that is subject to certain penalty enhancements. Under current law, assault on a peace officer is a felony of the fourth degree and is punishable by a fine of up to \$5,000, a definite term in prison of 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months, or both. If the peace officer suffered serious physical harm as a result of the commission of the offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a fourth degree felony that is at least 12 months in duration.

## **Fiscal effects**

### **Departments of Rehabilitation and Correction and Youth Services**

Because of the bill's felony penalty enhancements for certain court personnel and the broadening of the definition of "peace officer," some number of additional offenders may be sentenced to a state prison or juvenile correctional facility and some may be sentenced to longer terms of incarceration or supervision.

In the context of the size of the state's prison population (approximately 44,000) and the number of offenders sentenced to prison annually (typically ranging between 17,000 and 20,000), the number of additional offenders that could be sentenced to prison is likely to be relatively small and the associated incarceration costs minimal. The annual marginal cost for the Department of Rehabilitation and Correction to incarcerate a few additional offenders is around \$4,000 per offender.

The Department of Youth Services' (DYS) average daily facility population is around 400. The marginal cost to add a juvenile to that population is around \$38 per day. This suggests that adding a relatively small number of juveniles to that population in any given year will result in no more than a minimal increase in DYS's annual institutional care and custody costs.

### **State court cost revenue**

Additional felony convictions stemming from the bill may generate a minimal at most annual gain in state court cost revenue that is collected locally and apportioned between the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). The state court costs total \$60 for a felony which is divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020. It is also important to note that collecting court costs and fines from certain offenders can be problematic, especially in light of the fact that many are unable or unwilling to pay.

### **Local criminal and juvenile justice systems**

The bill will not create new criminal cases, but will (1) likely shift certain existing misdemeanor assault cases from the subject matter jurisdiction of a municipal or county court to the felony jurisdiction of a court of common pleas, and (2) elevate the penalty for an assault committed by a minor that is already under the jurisdiction of the juvenile court. Any case processing and adjudication cost savings for municipalities and related cost increases for counties will be minimal annually. The fine and court cost and fee revenue that municipalities may lose and counties may gain will also be minimal annually.