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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 450
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 450's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Lampton and Young

Local Impact Statement Procedure Required: No

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Highlights

- The bill may generate a small number of new criminal cases related to the acts of voyeurism or criminal trespass for local criminal justice systems to adjudicate and sanction annually. These costs may be at least partially offset by the collection of fines, fees, and court costs imposed on the offender. The Ohio Department of Rehabilitation and Correction may also incur minimal costs if a felony offender is convicted and sentenced to a term of incarceration in a state prison.
- The state may gain a minimal amount of revenue generated from (1) fines imposed for a conviction when the Ohio State Highway Patrol issued the citation and (2) statutorily required state court costs that are assessed in all criminal convictions.

Detailed Analysis

The bill defines unmanned aerial vehicle and unmanned aerial vehicle system and specifically prohibits a person from using an unmanned aerial vehicle system to commit the offenses of voyeurism, criminal trespass, aggravated trespass, and criminal trespass on a place of public amusement. The bill retains current law penalties for those offenses.

Local criminal justice systems

As a result of the bill, there may be an increase in the number of voyeurism, criminal trespass, aggravated trespass, and criminal trespass on a place of public amusement charges filed annually, which could result in an increase in caseload for local criminal justice systems to adjudicate. Given that these cases are expected to be relatively infrequent, any adjudication and related administrative costs are not likely to exceed minimal for any given jurisdiction.

To the extent that additional charges are filed, there will be a corresponding increase in the amount of fine, fee, and court cost revenue generated for the state and political subdivisions

(detailed below), which may at least partially offset any increase in costs incurred. Any increase in fine, fee, and court cost revenue generated annually is likely to be minimal and will vary by jurisdiction based on the number of cases filed.

Penalties

Under current law, unchanged by the bill, the penalties for voyeurism, criminal trespass, aggravated trespass, and criminal trespass on a place of public amusement are as follows:

- **Voyeurism:** Ranges from a third degree misdemeanor to a fifth degree felony, depending on circumstances present. (R.C. 2907.08)
- **Criminal trespass:** Generally fourth degree misdemeanor, but rises to a first degree misdemeanor if the offense involves a critical infrastructure facility. The court is required to impose a fine of two times the usual amount if the offense was committed using a snowmobile, off-highway motorcycle, or all-purpose vehicle. (R.C. 2911.21)
- **Aggravated trespass:** Generally a first degree misdemeanor, but rises to a third degree felony if the offense involves a critical infrastructure facility. (R.C. 2911.211)
- **Criminal trespass on a place of public amusement:** A first degree misdemeanor. The court may require the offender to complete 30 to 120 hours of supervised community service in addition to any other sentence, penalty, or sanction imposed. (R.C. 2911.23)

Table 1 below shows the possible fines and terms of incarceration for those offenses. As seen in the table, it is possible that an offender may be sentenced to serve a term of incarceration at a locally operated jail or a state prison. However, those costs are not expected to exceed minimal annually for any given local authority or the Ohio Department of Rehabilitation and Correction.

Table 1. Felony and Misdemeanor Sentences and Fines for H.B. 140 Offenses

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 5 th degree	Up to \$2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term
Misdemeanor 1 st degree	Up to \$1,000	Jail, not more than 180 days
Misdemeanor 2 nd degree	Up to \$750	Jail, not more than 90 days
Misdemeanor 3 rd degree	Up to \$500	Jail, not more than 60 days
Misdemeanor 4 th degree	Up to \$250	Jail, not more than 30 days

Fines, fees, and court costs

The distribution of fines, fees, and court costs generally are summarized in Table 2 below.

Table 2. Fines, Court Costs, and Fees Generally		
Financial Penalty Component	Amount Paid by Violator	Recipient of Amount
Fine	Varies by offense	<ul style="list-style-type: none"> ▪ Retained by county if violation of state law ▪ Retained by municipality if violation of local ordinance ▪ Forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400) if violator is cited by the Ohio State Highway Patrol¹
Local court costs and fees	Varies by local jurisdiction	Generally retained by the county or municipality
State court costs	\$29	<p style="text-align: center;">Misdemeanor</p> <p>Deposited in the state treasury as follows:</p> <ul style="list-style-type: none"> ▪ \$20 to the Indigent Defense Support Fund (Fund 5DY0) ▪ \$9 to the Victims of Crime/Reparations Fund (Fund 4020)
	\$60	<p style="text-align: center;">Felony</p> <p>Deposited in the state treasury as follows:</p> <ul style="list-style-type: none"> ▪ \$30 to the Indigent Defense Support Fund (Fund 5DY0) ▪ \$30 to the Victims of Crime/Reparations Fund (Fund 4020)

¹ The Ohio State Highway Patrol has jurisdiction on all public roadways within Ohio, as well as all state-owned property, including the Ohio Expo Center where the Ohio State Fair is held.