



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 208 of the 131st G.A.

Date: June 9, 2015

Status: As Introduced

Sponsor: Rep. Schaffer

Local Impact Statement Procedure Required: No

Contents: Offense of importuning

State Fiscal Highlights

- The bill will increase the likelihood that certain offenders are sentenced to prison and may decrease the likelihood that certain other offenders are sentenced to prison. The net fiscal effect on the Department of Rehabilitation and Correction's GRF-funded incarceration expenditures is uncertain, but any increase would be no more than minimal annually.

Local Fiscal Highlights

- The bill will affect how certain offenders are sanctioned, but is unlikely to generate any discernible ongoing costs for county criminal justice systems.

Detailed Fiscal Analysis

The bill: (1) increases the penalty for subsequent violations of certain importuning offenses, (2) establishes a mandatory prison term on a first offense for each importuning offense involving solicitation by means of a telecommunications device, and (3) eliminates, for all four categories of importuning offenses, a provision of current law that requires the imposition of a mandatory prison term if the offender previously was convicted of a sexually oriented offense or a child victim oriented offense.

State fiscal effects

According to commitment data from the Department of Rehabilitation and Correction, between calendar years 2010 and 2014, nearly 30 offenders, on average, were incarcerated each year for the offense of importuning.¹ As described below, the bill: (1) will increase the likelihood that certain offenders are sentenced to prison, and (2) may decrease the likelihood that certain other offenders are sentenced to prison.

Under current law, a first offense of importuning by means of a telecommunication device is a felony of the third degree with a presumption, but not a requirement, that a prison term be imposed. The new mandatory prison term will result in an increase in the number of offenders sent to prison for that particular importuning offense.

Also under current law, in all four categories of importuning a mandatory prison term is required for persons convicted that also have a previous conviction for either a sexually oriented offense or a child victim oriented offense. The bill removes this mandatory prison term and gives the court more discretion in sentencing the offender, which could result in fewer importuning offenders being sentenced to prison.

The net effect on the number of offenders committed to prison each year for an importuning offense is uncertain. However, in the context of a prison system with 50,000-plus inmates, any resulting change in the number of offenders committed for an importuning offense will be extremely small. This means that any change in the Department of Rehabilitation and Correction's GRF-funded incarceration expenditures will be no more than minimal annually.

Local fiscal effects

The bill will not generate any new felony importuning cases for county criminal justice systems to process, but will likely alter the manner in which a relatively small number of offenders convicted of an importuning offense are sanctioned each year. There should, however, be no discernible ongoing effect on the annual operating costs of any given county's criminal justice system.

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¹ The average time served by these offenders is not readily available.