# Ohio Legislative Service Commission

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# Fiscal Note & Local Impact Statement

**Bill**: H.B. 110 of the 131st G.A. **Date**: May 14, 2015

**Status**: As Passed by the House **Sponsor**: Rep. Hill

**Local Impact Statement Procedure Required**: No

**Contents**: Increases the penalty for failure to stop after an accident

## State Fiscal Highlights

- The Department of Rehabilitation and Correction's GRF-funded incarceration costs may minimally increase, as in any given year a few additional felony offenders could be sentenced to a term in prison, or sentenced to a longer term than might otherwise have been the case under current law and sentencing practices.

## Local Fiscal Highlights

- The bill's penalty enhancements will not result in any readily discernible additional costs for a county criminal justice system to process and adjudicate felony cases. This is because: (1) it will create no new felony cases, and (2) there will be extremely few cases in which the felony enhancement(s) may come into play thereby requiring more time, effort, and resources to resolve.

## Detailed Fiscal Analysis

The bill increases the penalty if a person is convicted of, or pleads guilty to, a violation of failing to stop after an accident when the violation results in serious physical harm to, or the death of, another person.

### Failure to stop cases

Under current law and practice, if an offender fails to stop after an accident, and serious physical harm to another occurs as a result of the accident, that individual would be charged with a felony of the fifth degree. If the accident results in the death of the victim, the charge would be a felony of the third degree. The bill elevates the charge under both of these circumstances to a felony of the second degree.

Ohio hit-skip crash data obtained from the Ohio State Highway Patrol indicates that for each year between 2009 and 2013 there were, on average, about 473 accidents statewide that involved a fatality and/or serious physical injury, and in which the driver failed to stop. Intake data from the Department of Rehabilitation and Correction (DRC) covering the same period of time (2009-2013) reveals that, on average, 11 offenders are sent to prison each year for failure to stop after an accident. Taken together, this data suggests that these offenders are more likely to have been convicted and sentenced on charges related more directly to the injury inflicted by the accident such as vehicular homicide or vehicular assault rather than the lesser hit-skip charge.

There is the possibility that certain courts adjudicating such matters may determine that the homicide or assault offense and the failure to stop offense as specified in the bill would constitute allied offenses of similar import and only allow the penalty for either the homicide/assault offense or the failure to stop offense as specified in the bill to be imposed, but not both. To the extent that courts make such rulings, there may not likely be many cases affected by the bill's specific penalty increase. It is also possible, however that given this choice between similar offenses, the penalty enhancement would lead to some increase in the number of cases in which the courts impose the penalty for failure to stop after an accident.

In conclusion, our research and related data lead to two observations. First, the bill will not create additional felony cases for county criminal justice systems to process and adjudicate as the circumstances addressed are likely to already rise to the level of felonious conduct. Second, the number of cases in which the penalty enhancements will come into play is extremely small, especially in the context of a county's total criminal caseload.

### State and local fiscal effects

**State expenditures**. In any given year, the bill's penalty enhancements could result in a few additional offenders being sentenced to prison or sentenced for a longer term than might otherwise have been the case under current law and sentencing

practices. Assuming all other conditions remain the same, either outcome will result in a relatively small increase in the size of the daily institutional population managed by DRC. The magnitude of any resulting increase in DRC's institutional operating costs is likely to be minimal; meaning any increase in the state's incarceration costs is estimated at less than $100,000 per year.

**County expenditures**. For the reasons noted above, the bill's penalty enhancements are unlikely to generate any additional operating expenses for county criminal justice systems. This is because: (1) there will be no new felony cases to process and adjudicate, and (2) the number of cases that it will affect that are already felonies under current law is extremely small.

**Revenues generally**. It is highly unlikely that the bill's penalty enhancements will generate any additional fine and/or court cost revenue for the state or counties.

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