



# Ohio Legislative Service Commission

Garrett Crane

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 38 of the 131st G.A.

**Date:** May 19, 2015

**Status:** As Introduced

**Sponsor:** Rep. Patmon

**Local Impact Statement Procedure Required:** No

**Contents:** Mandatory prison term for felony where victim is a disabled or elderly person

### State Fiscal Highlights

- The bill's penalty changes may result in a few additional offenders being sentenced to a state prison or juvenile correctional facility. The fiscal effect would be a no more than minimal annual increase in the GRF institutional operating expenses of the departments of Rehabilitation and Correction and Youth Services.

### Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

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## Detailed Fiscal Analysis

### Overview

The bill requires a consecutive sentence of two years when an offender is convicted of or pleads guilty to a felony offense that does not have a pre-existing penalty enhancement when the victim of the offense is a disabled or elderly person.

### FBI statistics

As seen in the crime statistics reported to the FBI that are summarized in Table 1 below, between 2008 and 2018, the number of crimes motivated by the victim's disability ranged from a low of one (2011) to a high of 53 (2009). These statistics would suggest that the number of cases that could be affected by the penalty enhancement will generally be very small in the context of any given local criminal and/or juvenile justice system. Specific data about elderly victims of crime is unavailable from the FBI, and some victims of crime could be considered both elderly and disabled. However, data from the federal Bureau of Justice Statistics indicates that elderly victims of crimes other

than fraud account for less than 1% of the victims.<sup>1</sup> Under current Ohio law, the vast majority of fraud offenses when committed against the elderly already carry a penalty enhancement, and thus will be unaffected by the bill.

Table 1. Hate Crimes in Ohio, 2008-2013 (FBI Hate Crime Statistics)						
Victim	2008	2009	2010	2011	2012	2013
Disabled person	29	53	3	1	9	24

## State expenditures

As a result of the bill's mandatory consecutive prison term, time served by offenders sentenced to a state prison or juvenile correctional facility may lengthen, which may increase the annual incarceration costs for the Department of Rehabilitation and Correction (DRC) or the care and custody costs for the Department of Youth Services (DYS). Relative to the size of the state's prison population (approximately 51,000) and the number of new offenders entering prison annually (around 20,000), the number of offenders that could be sentenced to prison is likely to be relatively small and the associated incarceration costs minimal. The marginal cost for DRC to incarcerate a few additional offenders is around \$3,600 per year per offender.

DYS's average daily population is around 460. The marginal cost to add a juvenile to that population is around \$27 to \$29 per day, or about \$10,000 or so per year. 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 DHS's annual institutional care and custody costs.

## Local fiscal effects

The bill will not create any new felony cases involving offenses against the elderly or disabled, but will affect cases in the future where some offenders could face the possibility of a longer term in prison than might otherwise have been the case under current law and practice. There will likely be no discernible fiscal effect on any given county criminal justice system to process and resolve such cases.

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<sup>1</sup> <http://www.bjs.gov/content/pub/pdf/cae0313.pdf>.