



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 209 of the 131st G.A.

**Date:** June 9, 2015

**Status:** As Introduced

**Sponsor:** Rep. Grossman

**Local Impact Statement Procedure Required:** No

**Contents:** Simulated criminal activity

### State Fiscal Highlights

- The bill's expansion of certain offenses 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 increase in the annual GRF institutional operating expenses of the departments of Rehabilitation and Correction and Youth Services.
- There may be a negligible annual gain in the amount of revenue from court costs that is deposited into the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

### Local Fiscal Highlights

- The number of new criminal and juvenile cases is likely to be relatively small, and there will be little to no fiscal effect on local criminal and juvenile justice system operating costs. Any subsequent convictions could generate a minimal annual revenue gain from court costs, fees, and fines that the sentencing court would generally impose on offenders.

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## Detailed Fiscal Analysis

The bill expands the offenses of disorderly conduct, inducing panic, making false alarms, and obstructing official business by prohibiting acts that simulate criminal activity or cause a false belief that a crime is being committed. Under current law, individuals who simulate criminal activity may be charged with such offenses, but generally do not appear to be successfully prosecuted because the offense doesn't explicitly cover the conduct described in the bill. By expanding these offenses, certain emerging conduct that is relatively infrequent and difficult to prosecute under current law will become somewhat easier to prosecute, thus resulting in a small increase in the number of offenders convicted.

Under most circumstances, the penalty for these offenses of disorderly conduct, inducing panic, making false alarms, and obstructing official business range from a minor misdemeanor to a first degree misdemeanor. Under certain specified circumstances, including prior convictions, the offense may be a felony of the third, fourth, or fifth degree.

### State fiscal effects

#### Incarceration expenditures

As a result of the bill's offense expansions additional offenders could be sentenced to a state prison or juvenile correctional facility.

Relative to the size of the state's prison population (approximately 50,000) and the number of offenders sentenced to 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 the Department of Rehabilitation and Correction to incarcerate a few additional offenders is estimated at between \$3,000 and \$4,000 per year per offender.

The Department of Youth Services' (DYS) 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 DYS's annual institutional care and custody costs.

#### Court cost revenue

A few additional felony and misdemeanor convictions stemming from the bill may generate a negligible annual amount of state court cost revenue that is collected locally and forwarded for deposit in the state treasury to the credit of 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 and \$29 for a misdemeanor. The \$60 felony amount is divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020. The \$29 misdemeanor amount is divided as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020.

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

As a result of a violation under the bill, misdemeanor and felony cases currently filed in municipal courts, county courts, and courts of common pleas that are not successfully prosecuted under current law may now result in a trial and conviction. Any additional annual costs for local criminal and juvenile justice systems to prosecute, adjudicate, and sanction a few additional offenders that might be convicted under the bill's expanded offenses are not expected to exceed minimal. Subsequent to a conviction, the court generally imposes local court costs and a fine to be paid by the offender, and if collected, deposited in the county treasury. Given the relatively small number of likely convictions, the amount of additional court cost and fine revenues that counties and municipalities may actually collect annually will be no more than minimal.