



# Ohio Legislative Service Commission

*Joseph Rogers*

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## Fiscal Note & Local Impact Statement

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**Bill:** S.B. 184 of the 131st G.A.

**Date:** January 14, 2016

**Status:** As Passed by the Senate

**Sponsor:** Sen. Balderson

**Local Impact Statement Procedure Required:** No

**Contents:** Clarifies sex offender registration requirements

### State and Local Fiscal Highlights

- There may be a relatively small statewide increase in the number of registrants being charged, adjudicated, and convicted of violating the SORN Law requirement that information and materials provided by a registrant to the county sheriff be accurate. The annual costs for county criminal justice systems to prosecute, defend (if the violator is indigent), adjudicate, and sanction these violators will be minimal. If a prison term is imposed, the incarceration costs for the state will be minimal annually.
- Potential minimal annual gain in fines, fees, and courts costs collected from violators and retained by counties, and in locally collected court costs forwarded to the state.

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### Detailed Fiscal Analysis

The bill specifies that the information and materials that offenders and juvenile offender registrants are required to provide to satisfy the Sex Offender Registration and Notification (SORN) Law must be accurate. Current law does not expressly state that this information and materials must be accurate.

The bill also expands the coverage of existing penalties for SORN Law violations to apply to all violations of those prohibitions. The bill does not change the penalties provided for violations, which are based on the most serious sexually oriented offense or child-victim oriented offense that was the basis of the SORN Law registration requirement that was violated. Depending upon the circumstances of that prior offense, a registration violation is a felony of the first, second, third, fourth, or fifth degree.

## State and local criminal justice systems

The bill's prohibition and penalty provisions are not expected to result in the detection of widespread violations and a significant rise in the number of registrants being charged, convicted, and sanctioned for SORN Law violations. The more likely result is a relatively small increase statewide in SORN Law violations discovered and successfully prosecuted.

As all SORN Law violations are felony offenses, prosecution and adjudication will fall under the subject matter jurisdiction of county criminal justice systems. Costs to provide indigent defense if necessary and to impose any residential and nonresidential sanctions will be a county responsibility as well. If, as expected, the bill results in, at most, a relatively small increase in offenders being prosecuted for SORN Law violations, then the cost increase for any given county criminal justice system will be minimal annually.

The table below summarizes information on the offenders that have been committed to state prison over the course of calendar years (CY) 2012-2014 whose most serious offense was a SORN Law registration violation. Over that three-year period, the number committed averaged 350 per year. The average time served ranged from a high of around three years (first degree felony) to a low of around six months (felony of the fifth degree).

<b>DRC Incarcerations for SORN Law Registration Violations, CYs 2012-2014</b>			
<b>Registration Offense</b>	<b>CY 2012</b>	<b>CY 2013</b>	<b>CY 2014</b>
Failure to notify change of address	256	238	257
Failure to register	35	30	37
Failure to verify address	84	60	53
<b>TOTAL</b>	<b>375</b>	<b>328</b>	<b>347</b>

The marginal incarceration cost for the Department of Rehabilitation and Correction (DRC) to add a relatively small number of SORN Law offenders to its total inmate population is estimated at \$3,600 per offender per year. This suggests that any increase in DRC's annual incarceration costs is likely to be minimal at most.

Under current law, as part of sanctioning an offender, the sentencing court generally is required and/or permitted to impose and retain money from fines, fees, and court costs. Thus, if the bill leads to additional convictions for SORN Law violations, then the county that adjudicated the matter gains revenue if the offender pays. The state may also gain revenue from the \$60 locally collected state court cost imposed on an offender convicted of a felony. The potential revenue gain for any given county or the state will be minimal annually.