



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 427 of the 131st G.A.

**Date:** May 10, 2016

**Status:** As Introduced

**Sponsor:** Rep. Antani

**Local Impact Statement Procedure Required:** No

**Contents:** Qualified third party to receive court notices of sealed or expunged records

### State Fiscal Highlights

- The Attorney General's annual costs to manage the contracting process are likely to be minimal at most. The proportion of the applicant fee remitted to the state may offset some, if not all, of those costs. It should be noted that (1) the amount of the applicant fee will be set in the contract to be negotiated by the Attorney General, and (2) the amount of money that will be generated by the fee annually statewide is uncertain.

### Local Fiscal Highlights

- Clerk of common pleas, municipal, county, and mayor's courts will need to establish and maintain a system for sending court notices and applicant fees to the third-party contractor. Presumably, the proportion of the fee remitted back to the clerk will offset some, if not all, of the associated costs.

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## Detailed Fiscal Analysis

The bill requires the Attorney General to select a private entity as a qualified third party for the purpose of (1) receiving notices of court orders sealing or expunging criminal case records, and (2) notifying identified data repositories, websites, and publications known to use, display, publish, or disseminate those records. Data repositories, websites, and publications are required to remove any records and references to records for which they have received notification from the third party retained by the Attorney General for this purpose.

The applicant for the above-noted court order is generally required to pay a fee to the clerk of court that is provided for under the contract between the Attorney General and the qualified third party. The Attorney General is required to determine the proportion of the fee that the qualified third party retains for its services and each proportion of the fee that the party must remit to the clerk of court and the state treasury. The amount of money that will be generated by the fee annually statewide is uncertain.

The Attorney General's annual costs to manage the contracting process are likely to be minimal at most. Presumably, the Attorney General's proportion of the applicant fee will be set at an amount that offsets some, if not all, of those costs. It should be noted, however, that the amount received by the state will likely be deposited to the credit of the General Revenue Fund (GRF) and not to a non-GRF state fund appropriated for specific use by the Attorney General.

The clerks of common pleas, municipal, county, and mayor's courts will be required by the bill to notify in writing any applicant for record sealing or expungement that the court will send notice of its order sealing or expunging the records to the qualified third party. Unless the applicant opts out, the clerk is required to send notification of the order as well as any fee required by the Attorney General and collected from the applicant to the third party. The third party is then required to remit to the clerk and the state their respective proportions of the fee. It is expected that the clerk's proportion of the fee will be set at an amount that covers the clerk's cost of establishing and maintaining a system for sending court notices and applicant fees to the third party. Presumably, that portion of the fee remitted back to the clerk will be deposited in the general fund of the county or municipality in which the court is situated.