



# OHIO LEGISLATIVE SERVICE COMMISSION

*Jessica Murphy*

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## Fiscal Note & Local Impact Statement

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**Bill:** S.B. 316 of the 131st G.A.

**Date:** November 29, 2016

**Status:** As Introduced

**Sponsor:** Sen. Hughes

**Local Impact Statement Procedure Required:** No

**Contents:** Sexual imposition penalty

### State Fiscal Highlights

- No direct fiscal effect on the state.

### Local Fiscal Highlights

- The bill's penalty enhancement may lengthen the jail term served by a few specified sex offenders. Any resulting increase in county and municipal criminal justice system incarceration expenditures is likely to be minimal at most annually. The imposition of a reimbursement sanction as part of the sentence may recover some of the cost increase.
- The bill creates an unclassified sexual imposition offense, but does not provide for a fine. However, any loss in fines that otherwise might have been collected from certain sex offenders will be negligible annually.

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## Detailed Fiscal Analysis

The bill increases the penalty for certain sexual imposition offenses by creating an unclassified misdemeanor that permits a court to impose a jail term of not more than one year when the offender has three or more previous convictions of sexual imposition or another specified sexual offense. Currently, the maximum penalty for sexual imposition is a first degree misdemeanor punishable by a jail term of not more than 180 days. Thus, under the bill, certain offenders convicted of sexual imposition may end up serving a longer term in jail than otherwise might have been the case under current law and sentencing practices.

The number of offenders charged with sexual imposition in any given county or municipal criminal justice system is relatively small in the context of the system's total caseload, and of those offenders, an even smaller subset would meet the specified circumstances triggering the bill's penalty enhancement. This suggests that the number of criminal cases that will be affected by the bill's penalty enhancement will be very small.

The average cost per inmate for a full-service jail is estimated at between \$60 and \$70 per day. The marginal cost of occasionally incarcerating an offender for a longer period of time would be much smaller. The court may impose a reimbursement sanction as part of the sentence to offset the cost of confinement. It is unclear whether much reimbursement revenue would be collected, as it is dependent upon an offender's ability and/or willingness to pay. This suggests that increasing the jail term for a relatively small number of offenders in any given year will result in a no more than minimal increase in county and municipal criminal justice system expenditures.

It is unclear whether the existing misdemeanor fine provisions will apply when an offender is convicted of the offense in the specified circumstances. The bill does not specify a fine for the unclassified sexual imposition offense. However, any loss in fine revenue that otherwise might have been collected from certain offenders convicted of sexual imposition will be negligible annually.