



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

Bill: S.B. 33 of the 132nd G.A.

Status: As Reported by House Criminal Justice

Sponsor: Sen. Eklund

Local Impact Statement Procedure Required: No

Subject: Traffic or criminal case defendant access to information in LEADS

State & Local Fiscal Highlights

- The bill's provision permitting a court to order the redaction of certain information from the Law Enforcement Automated Data System prior to disclosing it to a defendant may result in significant additional work for the state or local criminal justice systems, depending on who is responsible for redacting that information.
- Whether the potential fiscal effect of the bill's permissive intervention in lieu of conviction provision on any given county or municipal criminal justice system will be a net annual expenditure savings or cost increase is uncertain.

Detailed Fiscal Analysis

The bill: (1) allows disclosure of information from the Law Enforcement Automated Data System (LEADS) to certain defendants, (2) modifies the authority of the State Highway Patrol to administer oaths in certain circumstances, and (3) modifies the law regarding treatment in lieu of conviction.

Disclosure of information from LEADS

The bill allows disclosure of information from the Law Enforcement Automated Data System (LEADS) to a defendant in a traffic or criminal case when formally requested pursuant to the rules of discovery in such a case. Based on discussions with the Department of Public Safety (DPS), which administers LEADS, prosecutors currently have the ability to access the system and disclose information to a defendant and their counsel in these cases. This suggests that the bill is essentially codifying current practice.

The bill also permits a court that is hearing such a case, upon a motion made by a prosecutor, to order the redaction of certain personally identifying information involving a witness, law enforcement officer, or prosecutor from the information to be disclosed. The magnitude of the work to perform the required redaction is uncertain, but could be significant enough as to necessitate the hiring of additional staff depending on the number of cases in which a prosecutor makes a motion for, and a court subsequently orders, the redaction of information. According to DPS, it is not possible

to redact information from LEADS electronically, so any court-ordered redaction would likely need to be done by hand. It is unclear as to who would be responsible for actually redacting the information: the state, in this instance DPS, or the local criminal justice system, e.g., a prosecutor, the court, the clerk of court, or law enforcement.

Authority of Ohio State Highway Patrol troopers to administer oaths

The bill allows certain Ohio State Highway Patrol troopers to administer oaths and acknowledge criminal and juvenile court complaints, summonses, affidavits, and returns of court orders in matters related to their official duties. This provision relates primarily to the Patrol's enforcement of OVI (operating a vehicle impaired) laws. Currently, when a trooper makes an arrest for an OVI, a specific form must be read to the person being arrested and that form must be either: (1) signed and sealed by a notary public, (2) signed with the court seal/stamp by a deputy clerk, or (3) signed by a peace officer who has received the required training. Troopers currently receive the training required to administer oaths at the Ohio State Highway Patrol Academy. The bill will allow them to sign and complete these forms for other troopers without needing a notary, deputy clerk, or peace officer. By granting this authority, the bill may produce some savings effect for the state and local governments, as it may expedite the processing of such forms.

Intervention in lieu of conviction

The bill permits a court that has determined that an offender who has been granted intervention in lieu of conviction (ILC) has failed to comply with any of the imposed terms and conditions to continue the offender on intervention in lieu of conviction with or without additional terms, conditions, and sanctions, instead of being required to find the offender guilty and imposing an appropriate sanction as under current law. The potential fiscal effect on any given county or municipal criminal justice system is uncertain for two reasons. First, it is uncertain as to the frequency with which a court will exercise this permissive authority. Second, it is uncertain as to whether, in the case of any given offender, it will cost more or less to allow them to continue on ILC rather than impose a sentence.