



OHIO LEGISLATIVE SERVICE COMMISSION

Jessica Murphy

Fiscal Note & Local Impact Statement

Bill: S.B. 41 of the 132nd G.A.
(L_132_0486-3)

Status: In Senate Judiciary

Sponsor: Sen. Eklund

Local Impact Statement Procedure Required: No

Subject: Provides testimonial privilege to qualified advocates

State & Local Fiscal Highlights

- The bill's expansion of an existing mandatory child abuse or neglect reporting requirement so that it applies to qualified advocates may generate additional cases to be investigated by county public children services agencies (PCSAs). The cost for any given PCSA will depend upon the number of investigations and whether protective actions will need to be taken.
- The bill has no direct fiscal effect on the state.

Detailed Fiscal Analysis

Testimonial privilege

The bill expands the current testimonial privilege law by providing that a qualified advocate cannot testify in any civil, criminal, administrative, or education discipline proceeding concerning confidential communication between the qualified advocate rendering advocacy services and a victim of domestic violence, human trafficking, stalking, or sexual violence. The nondisclosure of that privileged communication is exempt from the offenses of failure to report a crime or death. Under current law, qualified advocates are not specifically exempted from the requirement to report felony offenses, but would generally be included in an existing exemption in the course of their work with a bona fide program for providing counseling services to victims of rape and gross sexual imposition. The bill's testimonial privilege provisions have no direct fiscal effect on the state or any of its political subdivisions.

Mandatory reporters

The bill expands the existing mandatory child abuse or neglect requirement so that it will apply to qualified advocates, and provides in specified circumstances an exemption from the requirement for advocates under testimonial privilege. The practical effect of this expansion is that there may be additional costs to county public children services agencies (PCSAs) to investigate additional reports of child abuse and neglect and to take any necessary protective actions. The cost for any given PCSA will

depend upon the number of investigations and whether protective actions will need to be taken.

Under current law, unchanged by the bill, a violation of the mandatory reporting requirement generally is a misdemeanor of the fourth degree.¹ It seems reasonable to assume that qualified advocates will largely comply with this reporting requirement, which means that violations will be infrequent. Thus, there will be no discernible ongoing fiscal effects on counties and municipalities in terms of their annual costs to prosecute and sanction violators or the collection of related revenues (fines and court costs and fees).

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¹ The penalty for a fourth degree misdemeanor is a possible jail term of not more than 30 days, a fine of up to \$250, or both.