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Office

H.B. 44
(with AM0309)
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: In House Criminal Justice

Primary Sponsors: Reps. Humphrey and Stewart

Local Impact Statement Procedure Required: No

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Highlights

- The Department of Rehabilitation and Correction's Adult Parole Authority (APA), which includes the Parole Board, may incur several hundred thousands of dollars in operating costs annually to comply with the bill's electronic recordings requirements.
- The APA may generate some revenue in responding to public records requests for the electronic recordings of full Parole Board hearings, as current Public Records Law requires public records be made available to the requestor "at cost."
- The bill has no direct fiscal effect on political subdivisions of the state.

Detailed Analysis

The bill:

- Requires the Department of Rehabilitation and Correction to make electronic recordings of full Parole Board hearings, institutional Parole Board release consideration hearings, revocation hearings under R.C. 2967.15, post-release control revocation hearings under R.C. 2967.28, and other parole hearings.¹
- Makes electronic recordings of full Parole Board hearings "public records" under the Public Records Law and defines who is entitled to receive the electronic recording.

¹ "Electronic recording" is not a defined term in the bill. For the purposes of this fiscal analysis, LBO assumes the term means an "audiovisual recording."

- Requires that an electronic recording not include personal identifying information of any victim or their immediate family.
- Requires the Chief of the Adult Parole Authority (APA) to adopt rules requiring that electronic recordings be made.
- Requires any party, person, or entity that wishes to have the electronic hearing of a Parole Board hearing transcribed to do so at their own expense.

The table below summarizes, for calendar years (CYs) 2019 and 2021, two of the types of hearings for which the making of an electronic recording would have been required: (1) institutional Parole Board release consideration hearings, and (2) field violation hearings. The number of required electronic recordings per year would have ranged roughly 4,000 to 5,000.

Parole Board Hearings		
Hearing Types	CY 2019	CY 2021
Institutional Parole Board release consideration hearings	1,340	1,318
Field violation hearings	3,339	2,864
Total	4,679	4,182

Source: DRC's biennial operating budget requests for FY 2022-FY 2023 and FY 2024-FY 2025.

It is estimated that DRC would likely need to hire additional staff at an annual operating expense of several hundreds of thousands of dollars to implement the recording process and make records available once properly redacted. In addition, there would also be potential additional costs for equipment, software, and data storage. The one-time rule adoption costs are likely to be minimal at most.

In addition to making and storing the electronic recordings, staff will have to (1) redact victim/victim's immediate family personal identifying information before providing copies of electronic recordings, and (2) manage the means by which such recordings are delivered or transmitted.

The APA may generate some revenue in responding to a public request for the electronic recording of a full Parole Board hearing. Current Public Records Law requires public records be made available to the requestor "at cost."² It is unclear as to whether "persons entitled to receive the electronic recordings," as defined by the bill, would be charged by the APA for the cost of doing so.³

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² R.C. 149.43(B)(1).

³ The bill defines "persons entitled to receive the electronic recordings" as follows: (1) in the case of full Parole Board hearings, any party, person, or entity who is entitled to receive the electronic recording under R.C. 5149.101, which appears to be the victim/victim's immediate family, the prosecuting attorney, the judge of the common pleas court that imposed the original sentence, and the offender's counsel or representative, and (2) in the case of other parole hearings, the person who is the subject of the hearing, the person's attorney, the prosecuting attorney, and the victim.