



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 353 of the 131st G.A.

Date: January 26, 2016

Status: As Introduced

Sponsor: Rep. Ruhl

Local Impact Statement Procedure Required: No

Contents: Sex offender registration and notification requirements

State Fiscal Highlights

- The bill may result in a few additional felony offenders being sentenced to prison each year, the fiscal effect of which will be no more than a minimal annual increase in the Department of Rehabilitation and Correction's (DRC) GRF-funded incarceration expenditures.
- Violations of the bill's tampering prohibition may generate a negligible amount of annual revenue in the form of state court costs apportioned between the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

Local Fiscal Highlights

- The ongoing cost incurred by the county sheriff to collect additional sex offender information from registrants and notify certain adults will not exceed minimal.
- Violations of the bill's tampering prohibition are expected to be relatively infrequent, with a county criminal justice system generally being able to dispose of these new criminal cases with no appreciable ongoing costs. Potential, likely no more than negligible, annual gain in fines, fees, and court costs collected from violators of the prohibition and retained by counties.

Detailed Fiscal Analysis

The bill adds to the registration and notification requirements of the Sex Offender Registration and Notification (SORN) Law by requiring a registrant to provide to the sheriff a list of adults who live at the registrant's place of residence. The sheriff is then required to notify the persons on the list that the registrant has committed a sexually oriented or child-victim oriented offense. The bill prohibits the registrant from tampering with or destroying the notice, a felony of the fifth degree.

Registration and notification

The bill will result in a change to the sex offender registration form, created by the Ohio Attorney General and used by county sheriffs, to include a section to list adult residents who live at the address at which the registrant resides. The sheriff is required to send a notice, enclosed in an envelope, to each adult individual listed. These requirements will likely create a one-time cost for sheriffs to adjust their current administrative procedures, and an ongoing cost to provide notices as necessary. These costs, in particular those associated with the ongoing duty to provide notices, are expected to be minimal at most.

Tampering or destroying notice prohibition

The bill prohibits the offender from tampering with or destroying the notice. Violation of this prohibition carries a criminal penalty, punishable by a maximum definite prison term of between 6 and 12 months, a maximum fine of \$2,500, or both. In conversations with criminal justice practitioners, it has been suggested that violations will be tough to prove and that few new criminal cases will be generated. As a result, there will generally be no discernible ongoing costs for county criminal justice systems to dispose of these matters (investigation, prosecution, indigent defense, adjudication, and sanctioning).

Subsequent to a conviction, the court generally imposes court costs, fees, and a fine on the offender, and if collected, deposited into the county treasury. Given the relatively small number of likely convictions, the amount of additional revenue that counties may collect annually will be negligible. In addition, a negligible amount of state court cost revenue may be collected for deposit into the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). The state court costs total \$60 for a felony, divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020. It is important to note that collecting court costs, fees, and fines from certain offenders can be problematic, especially in light of the fact that many are unable or unwilling to pay.

The bill may result in a few additional felony offenders being sentenced to prison each year. The marginal cost for the Department of Rehabilitation and Correction (DRC) to add a relatively small number of offenders to its total inmate population is estimated at between \$3,000 and \$4,000 per year. This suggests that any increase in DRC's annual GRF-funded incarceration costs is likely to be minimal at most.

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