



OHIO LEGISLATIVE SERVICE COMMISSION

Robert Meeker

Fiscal Note & Local Impact Statement

Bill: H.B. 618 of the 131st G.A.

Date: December 7, 2016

Status: As Reported by House Community and Family Advancement

Sponsor: Reps. Schuring and Reece

Local Impact Statement Procedure Required: No

Contents: Mistaken identity expungement mechanism

State Fiscal Highlights

- State agencies may be ordered by a court to expunge records based on cases of mistaken identity, a minimal annual expense that can be handled with existing staff and resources.

Local Fiscal Highlights

- Common pleas, municipal, county, and mayor's courts are required to issue court orders for the expungement of official records in cases of mistaken identity and to notify the Bureau of Criminal Identification and Investigation, a minimal annual expense that can be handled with existing staff and resources.
- Local agencies may be ordered by a court to expunge records based on cases of mistaken identity, a minimal annual expense that can be handled with existing staff and resources.

Detailed Fiscal Analysis

The bill requires law enforcement agencies, prosecutors, courts, and other government agencies to take certain actions to ensure the expungement of any official records related to the apprehension, arrest, charging, or trial of a person for a criminal offense based on mistaken identity.

When an arrest is made, but no charges are filed, the bill requires a law enforcement agency to notify the appropriate prosecutor. The prosecutor must notify the court in which the case would have been heard. When a charge is filed, but dismissed, the prosecutor must notify the court in which the charge was pending.

The court, when notified by the prosecutor of a case of mistaken identity, is required to issue an order directing that all official records containing any entry relating to the mistaken identity activity be expunged and that the proceedings with respect to the mistaken identity activity be deemed not to have occurred. The court also must issue an order to the Bureau of Criminal Identification and Investigation directing that the DNA-related official records relating to the mistaken identity activity against the person that the Bureau possesses be expunged. The issuance of the orders is automatic upon receipt of the notice from the prosecutor; the court will not conduct a hearing.

As a result of the bill, law enforcement agencies, prosecutors, and criminal courts (common pleas, county, municipal, and mayor's courts) will have additional work related to notification and expungement of records. However, because the bill's requirements are limited to cases of mistaken identity, the additional workload is expected to be undertaken without the need for additional staff.

State and local agencies will incur additional costs related to the expungement of additional records; however, the increase will be handled with existing staff and resources based on the expected relative infrequency of expungement orders based on mistaken identity.