Fiscal Note & Local Impact Statement

122 nd General Assembly of Ohio

BILL: **Am. H.B. 161** DATE: **July 30, 1997**

STATUS: **As Recommended by Senate Subcommittee on Juveniles** SPONSOR: **Rep. Hottinger**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**

CONTENTS: **Expands the offense of Obstructing Justice to include aiding a child who commits a delinquent act**

State Fiscal Highlights

STATE FUND	FY 1998	FY 1999	FUTURE YEARS
General Revenue Fund			
Revenues	Negligible gain	Negligible gain	Negligible gain
Expenditures	Minimal increase	Minimal increase	Minimal increase
Crime Victims Reparations Fund			
Revenues	Negligible gain	Negligible gain	Negligible gain
Expenditures	- 0 -	- 0 -	- 0 -

- By creating a new offense, additional cases would be created, resulting in a minimal increase in DRC incarceration costs, and a negligible gain to the GRF and Reparations Fund from any collected court costs.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1998	FY 1999	FUTURE YEARS
Counties			
Revenues	Minimal gain	Minimal gain	Minimal gain
Expenditures	Minimal increase	Minimal increase	Minimal increase

- Counties would sustain a minimal increase in prosecution and misdemeanor incarceration costs.
- Additional, minimal fine revenues could accrue to counties.

Detailed Fiscal Analysis

The bill expands the offense of obstructing justice to include aiding a child who committed a delinquent act, if that act would be a crime if committed by an adult. Currently, any person who purposely hinders the discovery, apprehension, prosecution, conviction or punishment of another for a crime or assisting another to benefit from the commission of a crime, by performing any of the five prohibited actions set in law, is guilty of obstructing justice.

The penalties for the new offense are identical to the penalties for the continuing prohibition. If the crime committed by the person aided is a misdemeanor, obstructing justice is a misdemeanor of the same degree. If the crime committed is a felony of the third degree or lower, obstructing justice is a felony of the fifth degree. However, if the crime committed is a felony second degree or higher, murder or aggravated murder, obstructing justice is a felony of the third degree.

Effects of the Bill

In estimating the effects of the bill, LBO analyzed the total number of commitments to the DRC in FY 1996. DRC intake for obstruction of justice was 19 in FY 1996, with an average time served of 1 year for such an offense in 1995. Applying the Bureau of Justice Statistics finding in 1994 of state courts, that the likelihood of a felony arrest leading to a felony conviction was 42 percent, we then assume that, there were approximately 46 persons arrested for obstruction of justice. For misdemeanors we again apply the national average that courts closed twice as many misdemeanor cases as felony cases. Thus, misdemeanor arrests for obstruction of justice would total 92. If we further assume that the incidence of obstruction of justice in juvenile cases is identical to that of adult cases (44 percent of all crime arrests are now juveniles), we thus estimate an annual average of 19 felony convictions and 39 misdemeanor convictions for obstruction of justice when the subject of the case is a child. The degrees of a felony or misdemeanor can however not be determined here. The tables below show the general sanctions for felonies and misdemeanors and the related fines that could be imposed on the offenders.

Felony Schedule		
Felony Level	**Basic Prison Terms**	**Maximum Fine**
1st Degree	3 to 10 years	$20,000
2nd Degree	2 to 8 years	$15,000
3rd Degree	**1 to 5 years**	**$10,000**
4th Degree	6 to 18 months	$5,000
5th Degree	**6 to 12 months**	**$2,500**

Misdemeanor Schedule		
Misdemeanor Level	**Maximum Sentence**	**Maximum Fine**
1st Degree	6 months	$1,000
2nd Degree	90 days	$750
3rd Degree	60 days	$500
4th Degree	30 days	$250
Minor Misdemeanor	None	$100

Hence, DRC would have an additional 19 persons committed to it's prisons, for an estimated annual cost increase of $76,285 [19 * $4,015(marginal cost of incarceration)]. The state could experience a potential negligible gain in revenues to the GRF and the Crime Victims Reparation Fund (CVRF) from increased collection of state court costs. State court costs for felony cases are currently $41, split between the GRF-$11, and CVRF-$30. For misdemeanor cases state court costs are currently $20, $11 to the GRF and $9 to the CVRF.

For counties expenditures could increase due to additional prosecution costs. County incarceration costs could also increase if the misdemeanants are committed to county jails. Presently, the average cost of incarceration in a county jail is $52 per day. In addition, there could be an increase in fine revenue of between $9,750 and $39,000 [($250 * 39) and ($1,000 * 39)].

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