
Detailed Fiscal Analysis

Criminalizing Dangerous Prizes

The bill creates a specific offense that makes it illegal for the owner or operator of a concession to award “dangerous prizes” to minors. The first violation of this new offense will be a minor misdemeanor, while each subsequent violation will be a misdemeanor of the fourth degree. Misdemeanors are the subject matter jurisdiction of the state’s 118 municipal courts and 49 county courts.

Dangerous Prizes: How Often?

Although we have been unable to ascertain the degree to which these dangerous prizes are currently being awarded to minors, we offer the following observations to suggest that the number of misdemeanor cases that will be created or affected by the bill should be extremely small. First, with today’s societal concerns surrounding violence, especially rising juvenile violence, we would hope that most concessionaires would be concerned about awarding a prize whose explicit purpose is to be used as a weapon in the performance of a violent act.

Second, once the awarding of a dangerous prize to a minor is criminalized and the concessionaire community becomes aware of that fact, the number of instances in which that criminal prohibition is violated should drop to virtually zero. There will most likely be some concessionaires who might still violate this prohibition once it is enacted into law, perhaps unknowingly, and local law enforcement would probably simply order them to cease and desist. Most, if not all, would comply and stop awarding such prizes. Prosecution would probably only occur in cases of repeated violations or particularly reckless behavior.

Third, the Department of Agriculture, which has licensing and regulatory authority over all concessionaires operating at any fair or exposition conducted by a county or independent agricultural society or the Ohio Expositions Commission, currently lists as prohibited prizes weapons of any kind including firearms, knives (except kitchen cutlery), whips, martial art items, bike chains, studded jewelry and accessories. The department’s authority currently covers around 95 fairs or expositions held annually statewide.

State Revenue and Expenditures

State GRF. When an individual is convicted of or pleads guilty to a misdemeanor offense, the court is generally required to collect an additional \$11 in court costs and then pay it into the state’s GRF. Although never referred to expressly in any of its enactments, the General Assembly intended that these moneys were to be used to assist public defender offices. If, as we previously alluded, there are very few additional criminal cases created as a result of the bill, then the amount of additional GRF revenue to be generated annually will be extremely small.

Reparations Fund. When an individual is convicted of or pleads guilty to a misdemeanor offense, the court is generally required to collect an additional \$9 in court costs and then pay it into the Reparations Fund, a.k.a., Victims of Crime Fund. If, as we previously alluded, there are very few additional criminal cases created as a result of the bill, then the amount of additional revenue to be generated annually for the Reparations Fund will be extremely small as well.

Department of Agriculture. As the department currently prohibits the awarding of weapons of any kind at events subject to their licensing and regulatory authority, the bill should not affect the revenue stream generated for the Amusement Ride Safety Fund, nor should it add any additional workload burdens.

Local Revenue and Expenditures

Revenue. Additional court cost and fine revenue may be generated for counties and municipalities, but as there will most likely be very few additional criminal cases created by the bill, the amount of revenue to be generated annually should be extremely small. Court costs in most municipal courts generally must be paid into the treasury of the municipal corporation in which the municipal court is located. However, in the case of county-operated municipal courts, court costs generally must be paid into the county’s treasury. Court costs collected in a county court must be paid into the county’s treasury.

One of the general rules for the distribution of fines in Ohio directs fines for violations of state law for deposit into the treasury of the county in which the municipal or county court is located. The fine amounts associated with a minor misdemeanor or a misdemeanor of the fourth degree are displayed in the table below.

Misdemeanor Sentences & Fines			
Offense	Maximum Sentence	Individual Fine	Organizational Fine
Misdemeanor 1st Degree	6 months	Up to \$1,000	up to \$5,000
Misdemeanor 2nd Degree	90 days	up to \$750	up to \$4,000
Misdemeanor 3rd Degree	60 days	up to \$500	up to \$3,000
Misdemeanor 4th Degree	30 days	up to \$250	up to \$2,000
Minor Misdemeanor	No incarceration	up to \$100	up to \$1,000

Expenditures. We would expect that the number of new criminal cases to be generated by the bill will be fairly small, and thus, there should be very little in the way of additional burdens placed on local criminal justice systems (courts, prosecutors, public defenders, law enforcement, and jails). The sentence associated with a minor misdemeanor or a misdemeanor of the fourth degree is displayed in the table above. In imposing a sentence, a court is generally permitted to impose jail time or a fine, or both.

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