Fiscal Note & Local Impact Statement

122 nd General Assembly of Ohio

BILL: **H.B. 238** DATE: **July 2, 1997**

STATUS: **As Recommended by the Senate Criminal Justice Subcommittee** SPONSOR: **Rep. Coughlin**

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

CONTENTS: **Expands the number of offenses which may be used to qualify an incident as a repeat violation of domestic violence**

State Fiscal Highlights

STATE FUND	FY 1997	FY 1998	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase

- The State will see an increase in expenditures related to the increase of those charged with a felony of the fifth degree as opposed to a first degree misdemeanor. The provides some of the funding for incarceration and the defense for those who are indigent.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1997	FY 1998	FUTURE YEARS
Counties & Municipalities			
Revenues	- 0 -	Potential minimal increase	Potential minimal increase
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase

- A significant majority of municipalities in the State of Ohio do not have municipal ordinances covering the offense of domestic violence. Parma is the largest municipality with a municipal domestic violence law. The majority of municipal prosecutors charge domestic violence offenders under the appropriate state statute.

Detailed Fiscal Analysis

The bill would expand the list of offenses that would increase the penalty for a subsequent violation of domestic violence. The addition of negligent assault, menacing, aggravated menacing, child endangering and substantially similar municipal ordinances will increase the number of offenders who face the stronger penalty. Currently, an offender previously convicted of aggravated menacing would only be charged with a first or fourth degree misdemeanor for the crime of domestic violence. The bill would enable prosecutors to charge previously convicted offenders with the harsher fifth degree felony or third degree misdemeanor for domestic violence. The absence of statewide statistics on offenders convicted of both domestic violence and the additional offenses creates a difficulty in projecting the increase of individuals who might serve a longer sentence. County and municipal prosecutors have indicated that the bill will not significantly increase the costs of incarceration or prosecution since the offenders would already be facing charges.

The costs of prosecuting and adjudicating these offenders should not change. State expenditures for incarceration could increase as more individuals are charged with the fifth degree felony as opposed to the misdemeanor of the first degree. The state provides funds for incarcerating some of those convicted of felonies. The distribution of increased fine revenue should remain the same. Fines from those charged with misdemeanor and felony level offenses are revenue for the counties. The maximum fine for a fifth degree felony is $2,500. The maximum fines for first, third and forth degree felonies are $1,000, $500 & $250, respectively.

❑ *LBO staff: Corey C. Schaal, Budget/Policy Analyst*

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