

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: H.B. 286 DATE: May 2, 1997
STATUS: As Introduced SPONSOR: Rep. Salerno
LOCAL IMPACT STATEMENT REQUIRED: No — Minimal cost
CONTENTS: Increases the penalties for assaulting or menacing personnel of public children services agencies and makes other changes

State Fiscal Highlights

STATE FUND	FY 1998	FY 1999	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential negligible increase	Potential negligible increase	Potential negligible increase

- State incarceration costs could increase negligibly as persons convicted are shifted from county incarceration (M1) to DRC (F5 and F4).

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1998	FY 1999	FUTURE YEARS
Counties			
Revenues	Potential minimal gain	Potential minimal gain	Potential minimal gain
Expenditures	Negligible increase	Negligible increase	Negligible increase

- County fine revenues could rise minimally from the penalty enhancements; there may be a negligible increase in expenditures for the issuance of temporary protection orders.



Detailed Fiscal Analysis

The bill declares the residential addresses of personnel of public children services agencies (PCSA) and private child placing agencies (PCPA) confidential and not subject to disclosure, or obtainable as part of a public record. The bill also increases the penalties for assaulting or menacing personnel of PCSA and PCPA from a first-degree misdemeanor to a felony of the fifth or fourth degree depending on if the offender had been previously convicted of or pleaded guilty to assaulting or menacing such employees.

Currently, there are approximately 1,300 public children services agency employees statewide, according to the Department of Human Services. Although there has been no concrete statistics kept regarding the number of PCSA employees that have been assaulted or menaced, anecdotal information provided by the Public Children Services Agencies Association (PCSAAO) of Ohio reveals that there have been about 18 cases of assault in the past two years. The spokesperson further states that the association is currently surveying its members to determine the frequency of occurrence. In addition, the spokesperson states that the provision excluding the names and addresses PCSA and PCPA personnel from public record would enhance the protection of such persons and agencies, further reducing the need to seek protection orders. The bill imposes a penalty of M4 upon any personnel of a PCSA, PCPA, juvenile court, or law enforcement agency found guilty of disclosing such information to any person described in the bill without a waiver permitting the disclosure. Although an M4 carries a maximum fine of \$250 and no more than 30 days in jail, we do not expect many, if any, violations.

The bill could result in a potential negligible increase in expenditures to counties as a result of issuing temporary protection orders, to protect PCSA and PCPA officers or employees who are performing official duties in a case, prior to the disposition of the case.

The bill also enhances the penalties for the offense of assault, aggravated menacing, or menacing by stalking, if the victim of such an assault is an employee of a PCSA or PCPA, from a first degree misdemeanor to a felony of the fifth or fourth degree depending upon circumstances stated above. These enhancements will not affect prosecution costs but could save counties incarceration costs, as these offenders would now be sentenced to a DRC facility. An F5 conviction attracts a 6 to 12 month sentence while an F4 attracts a 6 to 18 month sentence. County fine revenues could rise minimally as F5 and F4 fines are \$2,500 and \$5,000 respectively as opposed to an M1 fine, of \$1,000.

□ *LBO staff: Ogbe O. Aideyman, Budget Analyst/Economist
Clarence Campbell, Senior Analyst*

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