

- The bill could generate a potential negligible gain in revenues to counties resulting from the collection of additional local court costs. Local court costs vary by jurisdiction and are retained entirely by the entity operating the court.
- The bill could also produce a potential minimal increase in county expenditures related to increased enforcement, adjudication, prosecution, and indigent defense costs. Additionally, the bill could produce a potential negligible increase related to enforcement for municipalities and townships operating police departments.

Detailed Fiscal Analysis

Provisions of the bill

Under existing law the definition of “detention” is relevant to the offense of escape. The offense of escape occurs when the person purposely breaks or attempts to break custody or fails to return to detention following temporary leave or when serving a sentence in intermittent commitment. The bill retains and expands the provisions of the definition of “detention” to include confinement in a private facility for custody of persons charged with or convicted of crime, or alleged or found to be a delinquent or unruly child, in Ohio, another state or the United States. Additionally, the bill would expand the definition of detention to specify hospitalization, institutionalization, or confinement in a private facility that is ordered by a court for a defendant in proceedings related to the defendant’s competence to stand trial or to the defendant’s plea of not guilty by reason of insanity.

Effects of the bill

Considering the narrow scope of the bill it is estimated that it should produce only a minimal number of cases as the primary purpose of the bill is to treat escapes from private detention facilities the same as those from government operated facilities. While there are presently no private detention facilities operating in Ohio, one under construction in Mahoning County should be operational in the near future. This facility is expected to hold approximately 1,500 out-of-state inmates with the possibility of eventually expanding to 2,000. This being said, if the escape rate for the private facility is comparable to those operated by government entities, on average less than one escape will occur annually. The offense of “Escape” is either a misdemeanor of the first degree (M-1), or a felony of the second (F-2), third (F-3), fourth (F-4), or fifth (F-5) degree depending on the seriousness of the underlying offense.

Should the minimal number of escapes discussed above occur, the bill could result in a potential increase in both state revenues and expenditures. Since the bill would treat escapees from a private facility the same as those from public facilities, potential negligible revenue could be generated in the form of state court costs. State court costs in felony cases are \$41 and are divided between the GRF and the CVRF on the basis of \$11 and \$30 respectively. Meanwhile, additional state expenditures would be related to increased indigent defense and incarceration costs. Specifically, if the LBO estimates are correct and those convicted are sentenced serve the maximum sentence, the state could experience growing expenditures that would peak at approximately \$40,000 annually by 2005.*

In that the bill is estimated to produce a minimal number of cases over time, it could result in a potential minimal increase in expenditures to counties related to enforcement, prosecution, and the county share for indigent defense. Additionally, the bill could also result in a potential negligible gain in revenues to counties related to increased collection of local court costs. Local court costs vary by jurisdiction with all revenues retained by the entity operating the court. Lastly, the bill could result in a potential minimal increase in expenditures to municipalities and townships related to enforcement.

* Based on a scenario in which those convicted serve the maximum possible sentence of eight years.

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