
Detailed Fiscal Analysis

The bill expands the list of offenses for which the Bureau of Criminal Identification and Information (BCII) maintains criminal arrest and disposition records and related information to include misdemeanors on the list of offenses for which BCII must conduct criminal record checks regarding applicants for specified positions with certain entities that involve the care and custody of children. The bill also revises the procedures by which a person or child must be fingerprinted, and requires every clerk of a court of record to submit to BCII a weekly report of specified information regarding the cases involving offenses for which BCII must keep records.

Effects of the bill

According to BCII and the Bureau of Justice Statistics (BJS), there are currently 1.7 million persons with criminal history information in Ohio. BJS further reports that in 1992 and 1993, 140,900 and 149,200 arrest records with fingerprints respectively, were submitted to the state criminal history repository. By using 1996 statistics on the number of felony and misdemeanor cases processed in various courts in Ohio, we estimate that if the criminal justice information system was fully operational, approximately 380,000 records (arrest and disposition) would have been submitted to BCII in 1996.

According to a spokesperson for the Attorney General's office, the main thrust of the bill is to clearly define the office within the courts that has ultimate responsibility for ensuring that BCII receives the required information in a timely manner, and that there should be no additional cost burden placed on counties for meeting the reporting requirements, since current law mandates that this information be provided. According to the AG's office, the current lack of the required information stems from the fact that the 65 counties with automated systems operate four un-integrated computer systems, and that the Office of Criminal Justice Services (OCJS) is in the process of securing funding from the Legislature to resolve that problem and to provide automated systems for the 13 counties without computerized criminal justice information systems, and the 7 counties with partially automated systems. To enable OCJS to implement the criminal history information system; \$2.0 million is provided in the biennial budget under consideration.

However, the bill also expands the list of offenses for which BCII maintains criminal arrest and conviction records and related information to include misdemeanors on the list of offenses for which BCII must conduct criminal record checks, regarding applicants for specified positions with certain entities that involve the care of care of children. Many of the designated offenses for these child related positions are felonies or are escalating misdemeanors, but a few are misdemeanors in all circumstances. The designated offenses that are misdemeanors in all circumstances are aggravated menacing, sexual imposition, voyeurism, public indecency, contributing to the unruliness or delinquency of a child, and placing harmful objects in food (note: this list is not exhaustive). Given the additional misdemeanors for which arrest and disposition data is required, a larger reporting burden will be placed on the courts, and thus incurring additional costs over and beyond those generated by current reporting requirements. The potential extent of these costs is discussed below.

According to the County Commissions Association of Ohio (CCAO), the current reporting requirement and the expansion to include more misdemeanor and juvenile offenders

coupled with more specific disposition data in the reporting requirements will increase equipment and software costs for counties. It is LBO's understanding that the funding being considered for OCJS would address these equipment and software needs. CCAO further states that counties will incur an increase in personnel costs, as the bill will force many counties to hire additional staff. CCAO estimates this additional cost to be approximately \$3.0 million annually statewide to counties. This estimate incorporates expenditures for equipment/software and personnel costs.

Given the anticipated provision for automation needs by OCJS, the major additional costs to counties will come from personnel costs. As each county assesses their ability to submit the required information, it is difficult to ascertain now how many counties will require additional personnel; how much of the reporting burden is attributable to the additional misdemeanors and juvenile offenders for which arrest and disposition data is required; and how much of the problem results from a lack of a clearly defined officer responsible to BCII. The additional costs to counties, therefore, is difficult to determine.

Furthermore, the Ohio Clerk of Courts Association (OCCA) states that some clerks' offices may be forced to increase staff to meet compliance deadlines, but they could not estimate the extent of personnel needs. In addition, OCCA states that computerization and integration of systems should minimize the personnel requirements, and in most counties, should result in the absorption of these duties within current staff.

LBO believes the fiscal outcome of the bill will include increased costs to the state for BCII operations (although revenues in the General Reimbursement account may be sufficient to sustain this increase); and an increase in costs to local governments due to expanded reporting requirements.

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