
Detailed Fiscal Analysis

Potentially, the number of people charged and convicted of a fifth, fourth or third degree felony for defacing, damaging or physically mistreating a place of worship or another object of reverence or sacred devotion could increase. Currently, a violation of this statute results in either a second or first degree misdemeanor charge. This bill would allow a sliding scale to be used enabling prosecutors to seek a fifth, fourth or third degree felony conviction depending upon either the value of the property or the amount of the physical harm. Additionally, the bill affects the maximum fine level in these cases. The fine for desecrating a place of worship or an object within could drop from \$4,000 to \$2,500 depending upon the value of the property or the amount of the physical harm. But, if the object's value or the amount of damage is high enough, then the fine could reach \$10,000. However, this bill should affect very few individuals. Municipal court prosecutors have indicated that these violations do occur, but are infrequent.

The fiscal effects of this bill on the state are minimal. On the local level, the fiscal effect is a shift in the burden from municipalities to counties. The increased number of offenders charged with felonies will provide additional fine and court cost revenue to the counties with a somewhat smaller loss of court cost revenues to the municipalities. Fine revenue generated by violating state law, felony or misdemeanor, is revenue for the counties. Municipalities will also be relieved of the expenditures related to the adjudication of the offenders who are currently charged with misdemeanors.

The bill also increases the amount of damages that may be sought in a civil trial against the parent of a minor child as a result of that child's commission of either vandalism, desecration or ethnic intimidation. The amount for compensatory damages is increased from \$5,000 to \$15,000. Also, the definition of parent is expanded to have the same meaning as in section 3109.09 of the Revised Code. Additionally, the bill clarifies the damages that may be sought against anyone who commits vandalism, desecration or ethnic intimidation. This clarifies that a person may seek full compensatory damages, including damages for emotional distress, punitive or exemplary damages, court costs, attorney's fees and other reasonable expenses incurred in maintaining the action. These changes affect current civil litigation and should have no fiscal effect upon the state or any locality.

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

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