Fiscal Note & Local Impact Statement

122 nd General Assembly of Ohio

BILL: **H.B. 501** DATE: **December 2, 1998**

STATUS: **As Reported by Senate Judiciary** SPONSOR: **Rep. Reid**

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

CONTENTS: **Increases the penalty for desecrating a place of worship or an object of devotion and increases the recoverable amount that may be sought against a parent as a result of a child committing an act of vandalism, desecration or ethnic intimidation**

State Fiscal Highlights

STATE FUND	FY 1999	FY 2000	FUTURE YEARS
General Revenue Fund			
Revenues	Potential minimal gain	Potential minimal gain	Potential minimal gain
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase
Reparations Fund (402)			
Revenues	Potential minimal gain	Potential minimal gain	Potential minimal gain
Expenditures	- 0 -	- 0 -	- 0 -

- The cost of defending an indigent on a felony charge is higher than if the charge were a misdemeanor. Counties provide for indigent defense, but the state uses the General Revenue Fund to reimburse counties for up to fifty percent of expenses. However, individuals charged with felonies pay higher state court costs to support both the Reparations Fund and the General Revenue Fund. Also, the state covers the costs for incarcerating felons.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1998	FY 1999	FUTURE YEARS
Counties			
Revenues	- 0 -	Potential minimal gain	Potential minimal gain
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase
Municipalities			
Revenues	- 0 -	Potential minimal loss	Potential minimal loss
Expenditures	- 0 -	Potential minimal decrease	Potential minimal decrease

- Counties will potentially see an increase in revenues from offenders paying the higher fines associated with felony level offenses. Also, counties will receive local court costs since felonies are handled in the county operated Courts of Common Pleas. However, the expenditures for prosecuting and possibly defending and sanctioning a person charged and convicted with a felony are higher than those for a misdemeanant.

- Municipalities will potentially have a decrease in revenues generated from local court costs, but will also have lower expenditures as former misdemeanants are adjudicated as felons in the Courts of Common Pleas.

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.

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