

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: Sub. H.B. 547 DATE: February 18, 1998
STATUS: As Reported by House Criminal Justice SPONSOR: Rep. Grendell
LOCAL IMPACT STATEMENT REQUIRED: No — No local cost
CONTENTS: Expands the bar against the recovery of damages in tort actions commenced by criminal offenders

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1998	FY 1999	FUTURE YEARS
Counties & Municipalities			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential negligible decrease	Potential negligible decrease	Potential negligible decrease

- The number of potential cases that will be averted from trial is very small therefore the bill has no appreciable fiscal effect on either state or local governments.

Detailed Fiscal Analysis

The bill attempts to eliminate a potential loophole that exists in civil law. It limits the recovery of tort damages that can be sought by criminal offenders in circumstances when the harm is the result of the defendant using reasonably necessary force for either self-defense purposes or in the defense of a third person. The bill only bars tort claims brought by those pleading guilty to or being convicted of a felony or a misdemeanor that is an offense of violence. Those individuals who are found not guilty or are not successfully prosecuted may still seek civil damages. This bill has no appreciable fiscal effect on either state or local governments.

The number of potential cases that will be averted from trial is very small. The Ohio State Bar Association was unable to provide the number of tort claims arising in Ohio from instances of criminal defenders being harmed by individuals acting in self-defense or in the defense of another person, but believed the number to be miniscule. This bill would potentially lessen the burden on court dockets.

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