
Detailed Fiscal Analysis

This bill would elevate the penalty for leaving the scene of an accident in which injury was involved from a first-degree misdemeanor to a fifth-degree felony. A first-degree misdemeanor carries a potential jail stay of no more than six months and/or a fine not to exceed \$1,000. A fifth-degree felony carries a potential prison stay of between six months and one year and/or a maximum fine of \$2,500.

Existing Law

As leaving the scene of an accident in which an injury has occurred is already a criminal offense, the bill will not create any additional criminal cases. What the bill does is to essentially elevate the seriousness of the criminal offense that a prosecutor can charge a person with under certain circumstances. LBO believes, based on the information available to us at this time and outlined below, that the number of criminal cases affected annually by the bill statewide will be relatively small. Currently, many such cases are charged under the existing vehicular offenses noted below. As those penalties are more severe, most persons are prosecuted under these statutes. This bill's penalty enhancement will allow the few individuals who can not be charged with a more serious vehicular offense to be charged with the enhanced penalty under this bill.

- According to the Columbus City Attorney's Office, the majority of hit-skip cases are treated as misdemeanors under municipal code. The vast majority of those cases do not involve injury, and those that do involve injury are currently treated as first-degree misdemeanors. While it is difficult to estimate the number of hit-skip offenses involving injury, the number of such circumstances is believed to be relatively small statewide. This assumption has been corroborated by discussions with several prosecuting attorneys.
- Aggravated vehicular assault is a fourth-degree felony (third-degree with prior offense) in which the offender "recklessly cause[s] serious physical harm to another person" (O.R.C. 2903.08). According to the Criminal Sentencing Commission, the number of these offenders sent to state prison is estimated to be fewer than forty annually, with an average time sentence served of 1.8 years (15 months) out of a possible prison sentence of between six to eighteen months. A lesser number of these cases would involve fleeing the scene of an accident.
- Vehicular homicide (O.R.C. 2903.07) involves causing the negligent death of another person, a first-degree misdemeanor. The Franklin County Municipal Court reported fifteen such cases in 1995; a much smaller number would involve fleeing the scene of an accident.
- Aggravated vehicular homicide (O.R.C. 2903.06) involves causing the reckless death of another person, a felony offense of the third or second degree, dependent upon prior offenses. Approximately seventy offenders convicted of aggravated vehicular homicide are imprisoned yearly statewide, and a smaller number of these offenders are assumed to have fled the scene of the accident. The average prison time served for aggravated vehicular homicide offenders is 4.9 years.

In general, it is very difficult to arrive at concrete estimates for the number of hit-skip offenses involving injury. Most law enforcement agencies keep data on hit-skips without keeping track of which offenses involve injury. Even such private-sector entities as the Highway Loss Data Institute and the Insurance Institute for Highway Safety do not keep statistics on hit-skip offenses involving injury. LBO believes that the number of offenses affected by this bill are reasonably small based upon the above data for related offenses and discussions with prosecuting attorneys in several jurisdictions.

Fiscal Effects of the Bill

State GRF. Under the bill, some offenders may be sent to state prison that would not have been otherwise. If that happens, then the Department of Rehabilitation and Correction incurs additional GRF costs associated with that offender's incarceration and post-release supervision. However, as the number of offenders this would affect annually is estimated to be relatively small, any additional annual GRF expenses that might be incurred by the department will be minimal.

Crime Victims Reparations Fund. The locally collected, state court cost for a misdemeanor offense is \$9 and \$30 for a felony offense. These court costs are deposited to the credit of the Crime Victim Reparations Fund in the state treasury. Since the bill elevates the penalty for leaving the scene of an accident under certain circumstances from a misdemeanor to a felony, it clearly creates conditions whereby the Crime Victims Reparations Fund may gain some revenue. LBO believes that the small number of cases affected annually statewide, as well as the generally problematic nature of felony penalty collections, means that the potential gain in annual revenue for the Crime Victims Reparations Fund will be negligible.

Local Fiscal Effects. Generally, as a result of the bill, it is estimated that a relatively small number of offenders will be charged annually statewide with a felony as opposed to a misdemeanor. This means that it is more likely that such offenders, rather than being prosecuted for a misdemeanor offense in a municipal or county court, will find themselves being prosecuted for a felony offense in a court of common pleas.

The practical fiscal effect of this "shifting" of criminal cases will be to reduce both the prosecution, adjudication, and sanctioning burdens on some municipalities, as well as their revenue collected from court costs and fines. Conversely, some counties will experience an increase in their prosecution, adjudication, and sanctioning costs, as well as an increase in court cost and fine revenue. As the number of criminal cases affected by the bill is anticipated to be relatively small, the expenditure decrease and revenue loss for some municipalities will be minimal, while the expenditure increase and revenue gain for some counties will be minimal as well.

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