
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 jail or 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 few. Currently, many such cases are charged under the following vehicular offenses. As those penalties are more severe, most persons are prosecuted under these statutes. This bill's penalty enhancement will allow the few who can not be charged with a vehicular offense, to be charged with the enhanced penalty under this bill.

- Vehicular assault is a misdemeanor offense, for which the average jail time served is approximately one year. Cases of vehicular assault are estimated to number in the hundreds statewide. A smaller number of these cases would involve fleeing the scene of an accident.
- 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). 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.
- Vehicular homicide (O.R.C. 2903.07) involves causing the negligent death of another person, a first-degree misdemeanor. Approximately seventy offenders convicted of aggravated vehicular homicide, which are felony offenses, are imprisoned yearly. The average prison time served for aggravated vehicular homicide offenders is 4.9 years.

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 of Rehabilitation and Correction 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. In general, 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 rather than being prosecuted in a municipal or county court such offenders will find themselves 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 its prosecution, adjudication, and sanctioning costs, as well as 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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