

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: Am. H.B. 618 DATE: November 17, 1998

STATUS: As Reported by Senate Judiciary SPONSOR: Rep. Opfer

LOCAL IMPACT STATEMENT REQUIRED: No — Minimal cost

CONTENTS: Increases penalty for leaving the scene of an accident resulting in serious physical harm or death from a first-degree misdemeanor to a fifth-degree felony, and requires drivers to stop for school buses operated by a Head Start agency.

State Fiscal Highlights

STATE FUND	FY 1998	FY 1999	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase
Crime Victim Reparations Fund			
Revenues	- 0 -	Potential negligible gain	Potential negligible gain
Expenditures	- 0 -	- 0 -	- 0 -

- As the number of offenders who may be sent to state prison as a result of the hit-skip portion of the bill will be relatively small, the Department of Rehabilitation and Correction may experience a minimal increase in annual GRF expenditures related to incarceration and post-release supervision.
- A potential negligible gain in annual court cost revenue deposited to the credit of the Crime Victim Reparations Fund becomes possible as the bill increases the penalty for leaving the scene of an accident under certain circumstances from a misdemeanor of the first degree to a felony of the fifth degree. The locally-collected, state court cost for a misdemeanor offense is \$9 and \$30 for a felony offense.

Local Fiscal Highlights

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

- As the number of criminal cases affected by the hit-skip portion of 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.



- This bill generally codifies existing practice in regard to the enforcement of school bus traffic law as it relates to school buses operated by a Head Start agency. As the number of cases affected by this provision appear to be extremely small, the annual local fiscal effect on revenues and expenditures is presumed to be negligible.

Detailed Fiscal Analysis

This bill would elevate the penalty for leaving the scene of an accident in which serious physical harm or death 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.

The bill also codifies existing practice in regard to traffic law and Head Start buses. The bill requires: drivers of vehicles to stop for head start bus loading and unloading; Head Start buses to be equipped with visual signals and for bus drivers to activate them when loading and unloading; and clarifies procedures for head start loading and unloading.

Existing Hit-Skip 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 serious 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, much less serious physical 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 Hit-Skip Provisions

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 hit-skip portion 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.

Fiscal Effects of the Head Start Provisions

The bill amends existing law to explicitly require drivers to stop for a school bus operated by a Head Start agency, with the failure to do so being an unclassified misdemeanor that currently carries a fine not to exceed \$500. Our understanding is that this proposed change in effect codifies

what is current practice in the vast majority of jurisdictions. This current practice is to treat this existing provision of law as applicable to a Head Start school bus although this type of bus is not explicitly referenced. It is also our understanding, that although rare, there have been some cases in the state where individuals have not been found in violation of this provision exactly because there is no explicit reference to a Head Start school bus.

Clearly then, as a result of the bill, there will be a case here and there where an individual will now be found to have violated this prohibition, which would not have been the result in a very limited number of jurisdictions under current law. Counties and municipalities may save some of the burden of processing these cases and also collect some court cost and fine revenue as well. However, as the number of affected cases appears to be so small, the annual local fiscal effect on revenues and expenditures is presumed to be negligible.

The bill also requires Head Start school buses to adhere to existing law involving the display of visual signals and stop warning devices. Under federal law, Head Start school buses already must adhere to these requirements. According to the Department of Public Safety: (1) there are between 350 and 400 Head Start school buses in Ohio; and (2) it is very likely that some may not meet these requirements.

However, it is our understanding that local governments (counties, municipalities, townships, and school districts) operate very few Head Start programs. In the few instances where a local government operates a Head Start program and also utilizes a school bus to pick up and discharge Head Start children, we believe that local government is in all likelihood already in compliance with the bill's equipment requirements. Thus, this equipment requirement as it relates to Head Start school buses should carry no fiscal effect for local governments.

Additionally, it has come to our attention that it is may be possible for a Head Start agency to continue to not adhere to these requirements regardless of the passage of this bill, due to an ambiguity in an existing definition of a school bus in ORC section 4511.01(F). That definition is unchanged by this bill.

□ *LBO staff: Laura Bickle, Budget/Policy Analyst
Brian Friedman, Graduate Researcher*

\\BUDGET_OFFICE\ISIS_VOLI\FN122\HB0618SR.DOC