
Detailed Fiscal Analysis

This bill would create a new offense, reckless homicide. The bill would prohibit anyone from recklessly causing the death of another. This would be a felony offense of the third degree. Currently, there are seven homicide offenses: aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, negligent homicide, aggravated vehicular homicide and vehicular homicide. The sentences for these crimes range from state execution to six months in a local jail. There is no presumption of a prison sentence being imposed on an offender convicted of a felony offense of the third degree. However, if imposed, the penalty for reckless homicide would be a definitive prison term of one, two, three, four or five years and a maximum fine of \$10,000.

The Ohio Prosecuting Attorneys Association has indicated that current state statutes regarding involuntary manslaughter should already cover incidents that would fall under the new offense of reckless homicide, both of which would be felonies of the third degree. It is possible that this new offense would not be used. However, individual county prosecutors have advocated the creation of such an offense in a perceived attempt to be “intellectually honest” within the justice system. The possibility exists that similar illegal actions could lead to significantly different criminal charges depending upon the particular county prosecutor. It is argued that while involuntary manslaughter can be construed to address instances where reckless behavior causes the death of another person, state statutes should directly address reckless behavior as a cause of death. For example, the state currently addresses reckless behavior that causes death when the operation or the participating in the operation of specific vehicles is involved. This is the offense of aggravated vehicular homicide. The creation of the offense of reckless homicide would go a long way in addressing these perceived needs.

That said, the bill will not create any new criminal cases, but it will affect existing criminal matters. However, it appears that the number of those existing criminal cases that will be affected annually by this change will be few and infrequent.

Municipalities. Certain municipalities may shed costs (adjudication, prosecution, indigent defense, and offender sanctioning) and lose court cost revenue as a result of some of these affected criminal cases being elevated from a misdemeanor to a felony. As the number of these cases that may shift annually will be very small statewide, the expenditure decrease and revenue loss experienced by municipalities will be negligible.

Counties. As a result of the bill, counties and the common pleas courts that handle felony matters may pick up a few criminal cases that shift out of municipal and county courts, and some existing felony homicide cases may become more problematic as well since an offender may be facing a prison term than might not have been possible under current law. These outcomes raise the possibility that adjudication, prosecution, and indigent defense costs may increase, but we have no way of knowing whether the potentiality of a prison term will expedite or slow resolution of a given criminal case. On the other hand, since a prison term would be more likely in these cases, counties could end up saving offender sanctioning costs that would now become a burden for the state. Again, as the number of cases that may be affected by the bill annually is so small, any fiscal effect on county expenditures will most likely be negligible. Counties would

also see potentially higher court cost and fine revenues. Individuals convicted of negligent homicide face a maximum fine of only \$1,000 while those convicted of reckless homicide could face fines of up to \$10,000. These are maximum amounts and do not reflect the average amount of fine revenue generated per offense. Court cost and fine revenue cannot be collected from indigent offenders. Annual county court cost and fine revenue may rise, but that annual gain should be negligible given the small number of affected criminal cases.

State. As a result of the bill, an extremely small number of additional offenders may be sentenced to prison annually that would not have otherwise been under current law. The fiscal effect of these additional inmates on the state prison system managed by the Department of Rehabilitation and Correction will be to increase annual incarceration and post-release control supervision costs. However, the number of additional offenders entering the state's prison system annually will be so small that the increase in annual state expenditures will be no more than minimal.

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