

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1999	FY 2000	FUTURE YEARS
Counties			
Revenues	Potential negligible gain	Potential negligible gain	Potential negligible gain
Expenditures	Minimal effect	Minimal effect	Minimal effect
Other Local Governments			
Revenues	Potential negligible loss	Potential negligible loss	Potential negligible loss
Expenditures	Negligible effect	Negligible effect	Negligible effect

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- The bill could generate a potential negligible increase in county and municipal expenditures related to county and municipal courts processing and forwarding a small number of suspended driver's and commercial driver's licenses to the Registrar of Motor Vehicles.
- The bill's penalty enhancement provision will shift a small number of criminal matters from municipal and county courts to common pleas courts, the practical effect of which should be to cause a negligible decrease in annual municipal criminal justice expenditures and increase annual county criminal justice expenditures. Offenders convicted under the bill's penalty enhancement could be sentenced to prison, thus relieving counties of any associated sanctioning costs. The net effect on annual county criminal justice expenditures will be minimal as the added burden of processing a small number of more problematic cases should be offset by the possibility of sanctioning some offenders by sentencing them to prison.
- As a result of the bill's penalty enhancement provision, annual municipal court cost revenue may experience a negligible drop, while annual county court cost and fine revenue may experience a negligible gain.

Detailed Fiscal Analysis

Provisions of the Bill

The bill would permit a judge or magistrate to impose a pre-trial suspension of a driver's or commercial driver's license in cases of aggravated vehicular homicide, vehicular homicide, and aggravated vehicular assault, if it is determined that the person's continued driving would be a threat to public safety. Under existing law, a judge, magistrate, or mayor presiding over a mayor's court may impose a similar suspension in OMVI cases. Licenses suspended under the provisions of the bill would be forwarded to the Registrar of Motor Vehicles pending the outcome of the case. The bill would also enhance the penalty for vehicular homicide committed while the offender's license is under suspension from a first-degree misdemeanor to a fourth degree felony.

Fiscal Effects of the Bill

License Suspension. According to information provided by the Ohio Criminal Sentencing Commission, in CY1997 (the latest period for which statistics are available) there were approximately 230 cases statewide in which a driver was charged with an offense of aggravated vehicular homicide, vehicular homicide, or aggravated vehicular assault. According to data provided by the United States Department of Justice, Bureau of Justice Statistics, approximately 57 percent of fatal crashes in which a driver is at fault are alcohol-related.

Assuming the above is accurate and the fact that the type of suspension covered in the bill is already an option in OMVI cases, LBO estimates the bill could impact approximately 100 cases annually statewide. Of the 100 cases affected, the judge or magistrate would possess the option of imposing a suspension pending final adjudication of the charge. As a result, the bill could generate a negligible annual increase in county, municipal, and state expenditures related to the processing and forwarding of suspended driver's and commercial driver's licenses to the state's Registrar of Motor Vehicles.

Penalty Enhancement. LBO has not been able to determine the number of cases that would be affected by the penalty enhancement provision of the bill. We believe, however, that it will be a relatively small subset of the 100 cases expected to be affected by the bill's license suspension provision annually. As a result of the penalty enhancement provision, a very small number of cases will be adjudicated annually as felony cases in county common pleas courts rather than as misdemeanor cases in municipal and county courts.

As a result of this shifting of certain vehicular homicide cases, counties will potentially gain court cost and fine revenue, while municipalities will potentially lose court cost revenue. But given the small number of affected cases, that potential change in revenue for counties and municipalities annually will most likely be negligible. The adjudication, prosecution, indigent defense (if applicable), and sanctioning costs associated with a felony case are typically higher than those associated with a misdemeanor case. Thus, municipalities will experience a decrease in annual criminal justice expenditures. And given the small number of cases affected annually statewide that decrease will most likely be negligible. The fiscal effect on annual county criminal justice expenditures is a little less clear. Adjudication, prosecution, and indigent defense (if

applicable) costs will most likely rise, but the effect on sanctioning costs is less clear. As these matters now carry a possible prison term, the cost of sanctioning certain offenders may shift to the state. Whatever the result, the number of cases affected annually is going to be so small that the fiscal effect on annual county criminal justice expenditures will be minimal.

As a result of the penalty enhancement provision, some offenders will most likely be sentenced to prison that would have otherwise been sanctioned locally under current law. This means that the Department of Rehabilitation and Correction's GRF-funded incarceration and post-release supervision costs will rise. However, given the small number of affected offenders, the annual rise in the department's GRF expenditures will be minimal.

Also, offenders convicted of a felony are charged a \$30 court cost that is deposited into the state's Reparations Fund, a.k.a. Victims of Crime Fund. The analogous court cost for an offender convicted of a misdemeanor is \$9. As a result of the penalty enhancement, additional revenue may be generated for the Reparations Fund, as individuals who would have been convicted of a misdemeanor will be convicted of a felony under the bill. The potential gain in annual revenue though will be negligible, as the number of affected offenders will be small.

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