Fiscal Note & Local Impact Statement

123 rd General Assembly of Ohio

BILL:	**H.B. 331**	DATE:	**June 29, 1999**
STATUS:	**As Recommended by House Criminal Justice Subcommittee**	SPONSOR:	**Rep. DePiero**

LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**

CONTENTS: **Modifies the procedure pursuant to which a court of appeals may modify or vacate and remand a sentence that imposes prison terms that must be served consecutively**

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

Existing Felony Sentencing Law specifically authorizes four categories of appeals to the imposition of a felony sentence. One of those appeals, which appears in section 2953.08 (C), permits a defendant to appeal on the basis that the sentencing judge has imposed consecutive sentences and that the consecutive sentences exceed the maximum prison term allowed for the most serious offense of which the defendant was convicted. This section allows for the appeal, but missing is a list of the findings required for a court to amend or vacate the sentence. As such, it is possible for a defendant to appeal a sentence, but the judge is unable to modify or vacate it. The bill revises this right of appeal of consecutive sentence to specify what a court must find for amending or vacating consecutive sentences.

According to the staff of both the Ohio Judicial Conference and the Ohio Criminal Sentencing Council, this modification of the existing appeal should not have a direct fiscal effect on the state or any local political subdivision. This bill is a simple clarification of a provision that was not fully addressed in the major revision of the Felony Sentencing Law brought about by Am. Sub. S.B. 2 of the 121st General Assembly.

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