
Detailed Fiscal Analysis

This bill modifies and expands the existing mechanism for making deductions from certain judgements granted or settlements made to inmates in confinement for certain specified costs and awards. The bill attempts to eliminate an unforeseen loophole and to expand the distribution of such awards. Currently, deductions may be made from judgements granted to an inmate who successfully filed a civil action or appeal against a government entity or employee. These deductions are made on a pro rata basis for the following: a) Any fine, court costs, or court-ordered restitution imposed upon the inmate for an offense for which the inmate is confined or for any previous offense committed by the inmate; b) The amount of an award of reparations made under sections 2743.51 to 2743.71 of the Revised Code to a victim of the inmate relative to the offense for which the inmate is confined or any previous offense committed by the inmate; c) Any other award ordered by a court against the inmate in any other criminal or civil action or proceeding in any court in this state.

Settlements are not covered under the current law. This bill would allow deductions from settlements made to inmates who filed a civil action or appeal against a government entity or employee. Also, the bill addresses judgments granted by the Court of Claims that were not originally addressed in the statute. By expanding the scope of funds affected by deductions, this bill potentially increases the amount of revenue for the state's reparations fund and the counties' general fund. An increase in deductions relates to an increase in revenues available for repaying of awarded reparations and for local fines, court costs or any court-ordered restitution. However, this bill also expands the types of deductions to be made from such awards or settlements. In addition to the above three, this bill would allow a deduction towards the amount of any overdue payment under a support order, as defined in the existing Support Enforcement Laws, that the inmate owes as an obligor. By increasing the potential sources of revenue to include deductions from settlements or judgments from Court of Claims actions, the total size of funds available should increase. But, by adding another entity entitled to receive deductions, the proportional amount received by each entity will change. In essence, the revenue "pie" will increase, but by changing the number of "slices" from three to four, the size of the original slices may be smaller.

The bill also modifies the requirements faced by the Attorney General dealing with the Victim's of Crime Compensation program. Currently, the Attorney General is required to make a written finding of fact and recommendation concerning an award of reparations to a victim. The bill would expand the required information to include the identity of those who committed or were responsible for the crime. The Attorney General will also be responsible for identifying and notifying all relevant parties that a judgment or settlement has occurred. These changes should not have a significant fiscal effect upon the Attorney General. New requirements placed upon the Court of Claims, the Department of Human Services and the Department of Rehabilitation and Correction will entail additional work, but should not require additional staff or significant shifting of existing resources. These agencies would be required to check to see if the confined inmate owes anything to the entities entitled to such deductions. The additional number of cases involved is so few that any fiscal effect on the state should be negligible.

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