

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: Sub. S.B. 12 (LSC 123 0420-1) **DATE:** October 18, 1999

STATUS: As Passed by the Senate **SPONSOR:** Sen. Mumper

LOCAL IMPACT STATEMENT REQUIRED: No — No local cost in the As Introduced version

CONTENTS: Prohibits prisoners in state, county, municipal, and privately-operated correctional facilities from having access to the Internet

State Fiscal Highlights

STATE FUND	FY 2000	FY 2001	FUTURE YEARS
General Revenue Fund			
Revenues	Potential negligible gain	Potential negligible gain	Potential negligible gain
Expenditures	Potential negligible increase	Potential negligible increase	Potential negligible increase
Reparations Fund (Fund 402)			
Revenues	Potential negligible gain	Potential negligible gain	Potential negligible gain
Expenditures	- 0 -	- 0 -	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2000 is July 1, 1999 – June 30, 2000.

- The Department of Rehabilitation and Correction’s (DRC) annual GRF-funded incarceration costs will experience a potential negligible increase, as a few prisoners in DRC custody may be found to have violated the new offense of “improper Internet access” and may have their lengths of stay extended with the addition of “bad time” under rules to be adopted by DRC.
- As a result of a few cases that may arise from the new offense of “improper Internet access” created in the bill, a negligible amount of additional court cost revenue may be generated for the state’s General Revenue Fund (GRF) and the Reparations Fund. Of the \$20 in locally collected state court costs assessed against those convicted of misdemeanor offenses, \$9 is deposited to the credit of the state’s GRF and \$11 is deposited to the credit of the Reparations Fund, a.k.a. Victims of Crime Fund.



Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1999	FY 2000	FUTURE YEARS
Counties			
Revenues	Potential negligible gain	Potential negligible gain	Potential negligible gain
Expenditures	Potential negligible increase	Potential negligible increase	Potential negligible increase
Municipalities			
Revenues	Potential negligible gain	Potential negligible gain	Potential negligible gain
Expenditures	Potential negligible increase	Potential negligible increase	Potential negligible increase

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

- Annual municipal and county criminal processing costs may rise, as a result of cases generated by the bill's new, first-degree misdemeanor offense of "improper Internet access." Prisoners charged with "improper Internet access" will be adjudicated in municipal or county courts, whichever has jurisdiction for misdemeanor cases occurring in the county in which the correctional facility is located. Any increase in municipal and county criminal justice expenditures, however, will be negligible, as few cases are likely to arise.
- Municipal and county courts may experience a negligible gain in annual revenues stemming from court costs and fines assessed in new cases of "improper Internet access."

Detailed Fiscal Analysis

Provisions of the Bill

The bill establishes the general conditions under which prisoners in municipal, county, and private correctional facilities, as well as those in correctional facilities operated by the Department of Rehabilitation and Correction (DRC), may have access to the Internet. Specifically, the bill prohibits correctional officers and/or employees of municipal, county, private, and DRC correctional facilities from providing Internet access to any prisoner of such an institution unless two conditions apply:

- The prisoner is participating in an approved educational program that requires the use of the Internet for training or research purposes and is directly supervised.
- The access to the Internet is in accordance with rules promulgated by DRC.

The bill also specifies that prisoners who access the Internet, presumably outside of the conditions outlined above, are guilty of “improper Internet access,” a first-degree misdemeanor (M1). Lastly, the bill requires DRC to adopt rules to govern the establishment and operation of a system that provides access to the Internet for prisoners participating in an approved educational program with direct supervision and that requires the use of the Internet for training or research purposes.

Fiscal Effects of the Bill

Internet Access Among Ohio Prisoners. Prisoners in Ohio’s municipal, county, state and private correctional facilities do not appear to have access to the Internet currently. DRC’s Bureau of Adult Detention noted that in 90 to 95 percent of county jails there is no Internet access at all, and that it is highly unlikely any county correctional facility would permit Internet access for its prisoners. Bureau representatives also stated that few municipal correctional facilities have the resources much less the intent to provide Internet resources. DRC does not provide prisoners within its correctional facilities with Internet access and has stated that it has no intent to do so. DRC’s Central School District, which offers elementary and secondary educational programming to prisoners in DRC institutions, does not provide Internet access, but is considering downloading job data listings and possibly other information from Internet websites and making such saved or “canned” material available at a future date to prisoners participating in its programs; the Central School District does not plan to provide “live” Internet access and any change in its current practice would be subject to the approval of the Director of DRC.

The bill, however, includes two provisions that are new to the existing status of prisoner Internet access and that carry fiscal implications for state and local government. First, the bill criminalizes Internet access by prisoners by creating the new offense of “improper Internet access,” which makes possible future new misdemeanor offenses that would be prosecuted locally. Second, prisoners in the custody of DRC who violate the prohibition could be subject to “bad time,” which would extend their length of stay in prison and add to DRC’s annual incarceration costs.

Municipal and County Costs. Municipal and county courts may experience a negligible increase in criminal processing costs (adjudication, prosecution, indigent defense, and offender sanctioning) associated with new cases of “improper Internet access” arising from the bill. Prisoners charged with “improper Internet access” will be adjudicated in municipal or county courts, whichever has jurisdiction for misdemeanor cases occurring in the county in which the correctional facility is located. At the M1 level, violators face sentences of not more than six months in jail and fines of not more than \$1,000. As we believe few new criminal matters will be created, the potential fiscal effect on annual municipal and county criminal justice expenditures will be negligible. As a result, potential annual court and fine revenue gained by municipalities and counties, particularly in light of the limited financial resources of many offenders, will be negligible as well.

State Costs. DRC may experience negligible additional annual operating costs associated with increased lengths of stay for those prisoners found to have violated the “improper Internet access” law while in the custody of DRC. Under the rules DRC is to adopt, the bill specifies that sanctions must be imposed against prisoners and staff, sanctions that may include the addition of “bad time” to the prisoners’ length of stay.

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