

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: S.B. 49 DATE: April 20, 1999
STATUS: As Passed by the Senate SPONSOR: Sen. Cupp
LOCAL IMPACT STATEMENT REQUIRED: No — However, potential local effects
CONTENTS: Clarifies the manner in which the “speedy trial” law applies to a criminal defendant charged with multiple offenses of different degrees

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1999	FY 2000	FUTURE YEARS
Counties			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal decrease	Potential minimal decrease	Potential minimal decrease

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 clarifies that separate trials need not be conducted in instances where a person is charged with a combination of felonies and misdemeanors all of which arose out of the same act or transaction. This change will enable some Courts of Common Pleas to hold a single trial decreasing costs associated with adjudication, prosecution and possible public defense costs.

Detailed Fiscal Analysis

Currently, the speedy trial law specifies periods of time within which a person who is charged with an offense must be brought to trial. The law explicitly details when individuals charged with felonies, misdemeanors, minor misdemeanors or both minor and non-minor misdemeanors must be brought to trial. However, the statute is ambiguous with the timeframe involved with bringing individuals to trial when charged with both felonies and misdemeanors.

Court jurisdictions throughout Ohio do not uniformly interpret this current law. This has caused instances where some Courts of Common Pleas have conducted two trials for a person based on activities arising out of a single act or transaction. This bill would modify the current statute to adopt the language that deals with misdemeanors and minor misdemeanors to cover instances of multiple charges when they are felonies and misdemeanors of any degree. The result



would be a timeframe that adopts the time period required for the highest degree of offense charged. This bill would bring statewide uniformity to the courts on this issue.

It is difficult to determine the number of cases affected by this proposal and the amount of potential savings that may be realized. Some of Ohio's courts already interpret the law in the manner proposed by the bill. These jurisdictions would realize no savings caused by the passage of this bill. In some areas, county prosecutors drop misdemeanor charges if the accused pleads guilty to a felony charge. However, according to several Common Pleas Court judges, there are instances that involve the same act or transaction and have resulted in having a trial on the misdemeanor charge and a separate trial on the felony charge. This is an outgrowth of changes in criminal sentencing where increased penalties have resulted in more incidents involving both felonies and misdemeanors in the same act or transaction. This bill gives permissive authority to the judge to decide to hold a single trial within the time period required for the highest degree of offense.

This bill does not affect the length of either incarceration or the length of any pre-conviction detention. The bill can potentially cause savings through efficiencies for the Courts of Common Pleas, County Prosecutors and possibly in public defense if provided. These parties may be able to handle issues in one setting as opposed to in two separate trials. Any potential savings would be minimal as both the prosecution and any public defense would have to eventually provide some level of service. The effects of the bill also reduce the burden placed on parties, such as witnesses, who could now appear to give testimony only once as opposed to multiple times.

□ *LBO staff: Corey C. Schaal, Budget/Policy Analyst*

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