Fiscal Note & Local Impact Statement

123 rd General Assembly of Ohio

BILL: **S.B. 51** DATE: **April 13, 1999**

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

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

CONTENTS: **Increases the penalty for desecrating a place of worship or an object of devotion and increases the recoverable amount that may be sought against a parent as a result of a child committing an act of vandalism, desecration or ethnic intimidation**

State Fiscal Highlights

STATE FUND	FY 2000	FY 2001	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase
Reparations 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 annual GRF-funded incarceration and post-release supervision costs may rise as a result of the bill's penalty enhancement provision, but that increase would be minimal as the number of affected offenders will be extremely small.

- 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 extremely small.

Local Fiscal Highlights

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

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

- Counties will potentially see an increase in revenues from offenders paying the higher fines associated with felony level offenses. Also, counties will receive local court costs since felonies are handled in the county operated Courts of Common Pleas. However, the expenditures for prosecuting and possibly defending and sanctioning a person charged and convicted with a felony are higher than those for a misdemeanant.

- Municipalities will potentially have a decrease in revenues generated from local court costs, but will also have lower expenditures as former misdemeanants are adjudicated as felons in the Courts of Common Pleas.

Detailed Fiscal Analysis

Potentially, the number of people charged and convicted of defacing, damaging or physically mistreating a place of worship or another object of reverence or sacred devotion could increase. Currently, a violation of this statute results in either a second or first-degree misdemeanor charge. This bill would allow a sliding scale to be used, enabling prosecutors to seek a fifth, fourth or third degree felony conviction depending upon either the value of the property or the amount of the physical harm. If the value of the property or the amount of physical harm involved in the violation is $5,000 or more but less than $100,000, the violation is a felony of the fourth degree. If the value of the property or the amount of physical harm involved in the violation is $100,000 or more, the violation is a felony of the third degree.

Additionally, the bill affects the maximum fine level in these cases. The existing supplemental fine for desecrating a place of worship, an object within or any other object of reverence or sacred devotion will drop from $4,000 to $2,500. But, if the object's value or the amount of damage is high enough, then the fine could reach $10,000, the maximum fine associated with a felony of the third degree. However, this bill should affect very few existing criminal cases. Municipal court prosecutors have indicated that these violations do occur, but are infrequent.

The fiscal effects of this bill on the state will be minimal. As a result of the penalty enhancement provision, some offenders may 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 potential 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.

On the local level, the fiscal effect is a shift in the burden from municipalities to counties. The increased number of offenders charged with felonies will provide additional fine and court cost revenue to the counties with a somewhat smaller loss of court cost revenues to the municipalities. Fine revenue generated by violating state law, felony or misdemeanor, is revenue for the counties. Municipalities will also be relieved of the expenditures related to the

adjudication of the offenders who are currently charged with misdemeanors. 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 should be just the opposite. Adjudication, prosecution, and indigent defense (if applicable) costs will most likely rise a negligible amount. 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 negligible.

The bill also increases the amount of damages that may be sought in a civil trial against the parent of a minor child as a result of that child's commission of vandalism, desecration or ethnic intimidation. The amount for compensatory damages is increased from $5,000 to $15,000. Also, the definition of parent is expanded to have the same meaning as in section 3109.09 of the Revised Code. Additionally, the bill clarifies the damages that may be sought against anyone who commits vandalism, desecration or ethnic intimidation. This clarifies that a person may seek full compensatory damages, including damages for emotional distress, punitive or exemplary damages, court costs, attorney's fees and other reasonable expenses incurred in maintaining the action. These changes affect current civil litigation and should have no fiscal effect upon the state or any locality.

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