

# Fiscal Note & Local Impact Statement

123<sup>rd</sup> General Assembly of Ohio

BILL: S.B. 179

DATE: November 3, 1999

STATUS: As Introduced

SPONSOR: Sen. Latta

LOCAL IMPACT STATEMENT REQUIRED: Yes

CONTENTS: Makes changes to the Juvenile Code per the recommendations of the Ohio Criminal Sentencing Commission

## State Fiscal Highlights

STATE FUND	FY 2000*	FY 2001	FUTURE YEARS
<b>General Revenue Fund</b>			
Revenues	- 0 -	Increase, between \$10.6 and \$14.6 million	Increase, between \$10.6 and \$14.6 million
Expenditures	- 0 -	Increase, between \$16 and \$22 million	Increase, between \$16 and \$22 million
<b>Crime Victim Reparations Fund (Fund 402)</b>			
Revenues	- 0 -	Negligible gain	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.

\* Assumes effective date of 7/1/00.

- Under LBO's estimates, the net effect to the GRF would be \$5.4 million to \$7.4 million in increased annual expenditures.
- DYS would receive between \$10.6 million and \$14.6 million back annually from county GRF RECLAIM allocations, in the form of per diem costs to cover between 189 and 240 additional DYS institutional beds. LBO's best estimate is that this number is likely to be around \$12.7 million.
- Annual debt service payments between \$2.5 and \$3.6 million could result if it becomes necessary to build a new DYS facility to house additional youth, for a total capital payment of between \$49 and \$63 million over 15 to 20 years. LBO expects annual debt service payments to be around \$3 million, for a total capital payment of around \$52 million over 15 to 20 years.
- DYS would incur approximately 25 % of the institutional per diem rate for administration of these additional beds, at an annual cost ranging between \$3.5 and \$4.9 million. LBO's best estimate is that this amount would be around \$4.2 million annually.



- DRC may experience decreases in incarceration expenditures of between \$1.2 million and \$1.6 million annually, as some offenders are diverted to DYS under blended sentencing, rather than being bound over to criminal court and ultimately landing in DRC. LBO’s best estimate is that this amount would be around \$1.4 million annually.
- By applying the Ohio Sex Offender Registration Law to juveniles, the size of the sex offender registry currently maintained by BCII will increase resulting in an increase in annual expenditures of up to \$100,000, plus up to \$70,000 in start-up costs. DYS may incur additional personnel expenditures for collecting and disseminating sex offender registration information to BCII and sheriffs’ departments.
- The State Public Defender’s Office would incur up to \$170,000 in GRF expenditures annually for reimbursement of defense counsel fees to counties.
- There will be at most a negligible annual gain in locally collected state court costs that are generated for the GRF and the Crime Victim Reparations Fund.

### ***Local Fiscal Highlights***

<b>LOCAL GOVERNMENT</b>	<b>FY 2000*</b>	<b>FY 2001</b>	<b>FUTURE YEARS</b>
<b>Counties</b>			
Revenues	Increase, up to \$85,000, plus additional minimal increase	Increase, up to \$170,000, plus additional minimal increase	Increase, up to \$170,000, plus additional minimal increase
Expenditures	Increase, between \$5.5 and \$7.5 million, with additional potential increase up to \$3.75 million	Increase, between \$11.1 and \$15.1 million, with additional potential increase up to \$7.5 million	Increase, between \$11.1 and \$15.1 million, with additional potential increase up to \$7.5 million

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

\*Assumes effective date of 7/1/00.

- Counties would be charged between \$10.6 million and \$14.6 million by DYS under the RECLAIM formula for the care and custody of offenders occupying between 292 and 400 offenders annually. LBO’s best estimate is that this number is likely to be around \$12.7 million. Current language in the bill precludes counting these expenditures as public safety beds, which would hold counties fiscally harmless for the additional offenders.
- County juvenile courts will likely experience increases in expenditures associated with conducting jury trials for serious youthful offenders subject to blended sentencing. LBO estimates that these trial will number around 100 annually, and that the total annual statewide cost will be \$485,000. The State Public Defender would reimburse counties for up to \$170,000 of that amount. Additional unquantifiable prosecution and capital improvement costs may be in addition to this number.
- Permissive language allows counties to directly sentence juvenile misdemeanants to detention centers. LBO believes that many jurisdictions are currently doing this, and that counties would generally have to make do with existing resources. If we were to assess the capital costs, however, they would involve a capital outlay of about \$20.1

million (with debt service payments around \$2 million annually), and additional annual operating costs of around \$5.5 million, for a total of \$7.5 million in operating and capital payments.

- County sheriff’s departments will experience increases in personnel costs, likely in the thousands of dollars for some jurisdictions, for administering provisions of the Ohio Sex Offender Registration Act that would apply to juveniles. Juvenile courts may experience some minimal increases in expenditures associated with sanctioning juveniles who fail to register.
- Counties may experience some minimal increases in expenditures associated with prosecution and sanctioning of truant juveniles and their parents.
- Counties will likely experience some savings, potentially in the thousands of dollars in some jurisdictions, by allowing juvenile traffic offender cases to be processed without court appearances.
- Fine structure refinements may result in minimal increases in fine revenue to counties.

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## ***Detailed Fiscal Analysis***

### ***INTRODUCTION AND ORGANIZATION***

This fiscal analysis is organized into the sections detailed below:

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LBO would like to emphasize that this fiscal analysis is a work in progress, and that revisions to this document are likely to be made in the future, as we hopefully acquire more information and insights. At this time, the fiscal picture that we have been able to draw has been limited by the nature of the available data and the lack of a consensus among the various stakeholders as to how the bill will shake out in practice. As a result, we have had to frequently rely on differing perspectives as to the bill's fiscal effects to establish a potential range of costs, and where possible, we have made out "best" estimate as to what a particular provision of the bill might cost the state and local governments.

## ***PURPOSES***

Existing juvenile delinquency law charges the juvenile justice system to "remove the taint of criminality" from the offender. The bill emphasizes the following: protecting the public interest and safety, holding the offender accountable, restoring the victim, and rehabilitating the juvenile. The bill removes references to care, protection, mental and physical development as purposes to be addressed by the juvenile justice system in delinquency cases.

## ***DISPOSITIONS AVAILABLE TO SENTENCING JUDGES***

Under current law, juvenile judges have several dispositional options available, dependent upon the characteristics of the offender and the offense. Some of these options include: mandatory bindovers, discretionary bindovers, and sanctioning a juvenile under more traditional means (i.e., community sanctions). The bill adds the possibilities of blended sentencing, extends juvenile jurisdiction, reduces the minimum age of commitment, and allows direct sentencing to detention centers.

## ***MINIMUM AGE FOR DYS COMMITMENT & EXTENDED JUVENILE JURISDICTION***

*Existing Law.* Under existing law, the minimum age for commitment to the Department of Youth Services (DYS) is age 12. Existing law also specifies that the maximum age for retaining offenders in the juvenile justice system is age 21.

*Provisions of the Bill.* The bill lowers the minimum age for DYS commitment to age 10, and extends the maximum age for retaining offenders in the juvenile justice system (including DYS custody) to age 25 in certain cases where extended juvenile jurisdiction (EJJ) applies. For offenders who *do not* meet the requirements of extended juvenile jurisdiction, or are bound over, the maximum age for retaining offenders until age 21 remains for the large majority of offenders. These offenders would be classified as *traditional juveniles* under the bill.

In order to retain an offender until age 25, the juvenile court would have to determine that the length of time available to treat or rehabilitate the offender exceeds the limit available for juveniles under traditional juvenile jurisdiction (age 21). In general, a juvenile would qualify for extended juvenile jurisdiction until age 25 if the offender falls into one of the following categories:

- An offender age 10 or 11 accused of a first-degree felony offense of violence with certain enhancements (such as brandishing a firearm);

- An offender age 12 or 13 accused of a first-degree felony of violence or a first- or second-degree offense with an applicable enhancement;
- An offender age 14 or 15 accused of a third-degree felony with an applicable enhancement;
- An offender age 16 or 17 accused of committing a third-degree felony.

Under the bill, an offender who qualifies for extended juvenile jurisdiction and who commits aggravated murder or murder would receive a commitment to DYS until age 25. Other extended juvenile jurisdiction offenders would be sentenced to DYS within ranges described in the bill that may extend until the offender's 25<sup>th</sup> birthday, with a minimum term of generally between 1 and 5 years.<sup>1</sup>

## ***MANDATORY BINDOVERS***

*Mandatory Bindovers under Current Law.* Under existing law, a juvenile is automatically transferred to adult court for case processing if certain conditions are met, under Am. Sub. H.B. 1 of the 121<sup>st</sup> General Assembly (enacted November 9, 1995). Initially, a complaint must be filed alleging that a child is delinquent for committing an act that would be a criminal offense if committed by an adult. The juvenile court must then conduct a hearing and transfer the case for criminal prosecution: if the juvenile was 14 years old or older at the time of the commission of the offense, if there is probable cause to believe that the child committed the offense, and if one or more of the following apply:

- The juvenile has previously been tried as an adult for the commission of an offense and pled guilty to or was convicted of that offense;
- The juvenile is domiciled in another state, and, if the act charged had been committed in that jurisdiction, the juvenile would have been mandatorily subject to criminal prosecution as an adult under the law of that jurisdiction;
- The juvenile is charged with an act which would be a Category I offense<sup>2</sup> if committed by an adult, and either or both of the following apply: (a) the juvenile was 16 years of age or older at the time of the commission of the offense; or (b) the juvenile was previously adjudicated delinquent for committing an offense that would be a Category I offense or a Category II offense<sup>3</sup> if committed by an adult and was committed to DYS custody on the basis of that adjudication;
- The juvenile is charged with an act that would be a Category II offense if committed by an adult and was 16 years of age or older at the time of the commission of the offense, and either or both of the following apply: (a) the juvenile was previously adjudicated a delinquent child for the commission of a Category I or Category II offense and was committed to DYS upon the basis of that adjudication; or (b) the juvenile is alleged to have had a firearm on or about his/her

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<sup>1</sup> According to the Ohio Criminal Sentencing Commission, the range in minimum DYS terms for EJJ offenses is as follows: for a first-degree felony, between one and five years; for a second-degree felony, between 1 and 4 years; for a third-degree felony, between 1 and 3 years.

<sup>2</sup> Category I offenses include: aggravated murder, murder, attempted murder, and attempted aggravated murder.

<sup>3</sup> Category II offenses include: voluntary manslaughter, felonious sexual penetration (under certain circumstances), aggravated arson, aggravated robbery, aggravated burglary, involuntary manslaughter (when the offense is an aggravated first-degree felony), rape (under certain circumstances), and kidnapping.

person or under his/her control and to have displayed the firearm in, indicated possession of the firearm in, or used the firearm to facilitate the commission of the offense.

Currently, relatively few juveniles are bound over to adult court. As shown in the immediately following table, around three % of all juvenile delinquents are bound over. The data in the table reflect all bindovers (mandatory plus discretionary).

<b>Table 1: Delinquents in Ohio Courts*</b>			
	<i>Year</i>		
	<i>1995</i>	<i>1996</i>	<i>1997</i>
<b>Adjudicated in Juvenile Court</b>	15,086	15,193	14,040
<b>Bound Over to Criminal Court</b>	420	440	470
<b>Total Cases</b>	15,506	15,633	14,510

\* Information found in DYS' *Juveniles Waived to Criminal Courts in Ohio (1995-1997)*

As shown in the immediately following table, the vast majority of juvenile offenders who are bound over to adult court are convicted of the offenses in question. According to the DYS publication *Juveniles Waived to Criminal Courts in Ohio (1995-1997)*, there was a conviction rate of over 90 % for these offenders, and approximately 95 % of those who were convicted were incarcerated, with remainder receiving probation or other sanctions. The majority of those juvenile offenders bound over to adult courts were convicted of Category II offenses.

<b>Table 2: Disposition of Bound Over Juveniles*</b>						
	<i>Calendar Year</i>					
	<i>1995</i>		<i>1996</i>		<i>1997</i>	
	Number	%	Number	%	Number	%
<b>Convicted</b>	380	93.6 %	403	96.0 %	413	93.9 %
<b>Not Convicted</b>	26	6.4 %	17	4.0 %	27	6.1 %
<b>Total</b>	406	100.0 %	420	100.0 %	440	100.0 %

\* Information found in DYS' *Juveniles Waived to Criminal Courts in Ohio (1995-1997)*

**Bill Provisions and Effects.** Under the bill, the only juveniles who would be automatically bound over to adult court for prosecution would be: (1) juveniles accused of aggravated murder at ages 16 and 17; (2) juveniles who were previously bound over; and (3) those juveniles who were prosecuted and sanctioned as adults in other states. Category I and II offenses would be eliminated, with the offenders in these categories made eligible for many of the new sanctions described in the bill, including presumed bindover and blended sentencing. The Ohio Criminal Sentencing Commission anticipates that, by broadening the sanctioning options available to judges, the bill will reduce the number of mandatory transfers to adult court.

### **DISCRETIONARY BINDOVERS**

**Discretionary Bindovers under Current Law.** Under current law, it is possible to bind over certain juvenile offenders to adult criminal court with discretionary bindovers. Generally, juvenile courts are authorized to bind over any juvenile accused of a felony who is at least age 14.

After a complaint has been filed that alleges that a juvenile is delinquent for the commission of a felony offense other than those covered under the mandatory bindover provisions in current law, a juvenile court may order the transfer of the case to adult court for criminal prosecution. The court must make the following *determinations*:

- The juvenile was 14 years of age or older at the time of the commission of the offense;
- Probable cause exists to believe that the juvenile committed the offense;
- After an investigation, including a mental examination, and after careful consideration of all relevant information and factors, there are reasonable grounds to believe that: (a) the juvenile is not amenable to care or rehabilitation in any facility for delinquent juveniles; and (b) the safety of the community requires that the juvenile be placed under legal restraint, including, if necessary, for a period extending beyond the child's majority.

The court must also consider the following *factors* in favor of ordering the transfer of a case:

- A victim of the offense was five years of age or less, regardless of whether the alleged offender knew the victim's age;
- A victim of the offense sustained physical harm to their person as a result of the offense;
- The juvenile who is alleged to have committed the offense is alleged to have brandished a firearm in the commission of the offense, to have used a firearm to facilitate the commission of the offense, or to have clearly indicated that the juvenile possessed a firearm in the commission of the offense;
- The juvenile who is alleged to have committed the offense has a history indicating a failure to be rehabilitated following one or more commitments pursuant to division (A)(3), (4), (5), (6), or (7) of section 2151.355 of the Revised Code;
- A victim of the offense was 65 years of age or older or permanently and totally disabled at the time of the commission of the offense, regardless of whether the alleged offender knew the victim's age.

*Provisions of the Bill.* The bill removes the possibility of binding over felons who are charged with nonviolent fifth-degree felonies, unless (1) the offender used, displayed, brandished, or indicated a firearm during the offense or (2) the offender previously was committed to DYS for a first-degree felony, a second-degree felony, or a violent third-degree felony.

The bill creates a list of factors to be considered in favor of, or against, an elective bindover. In order to bind over an offender, the juvenile court would be required to find that the factors in favor of transferring the juvenile outweigh those against transfer. This modifies the amenability test in current law (see *determinations*, above).

According to the Ohio Criminal Sentencing Commission, the bill repeals the existing list of factors (see *factors*, above) to consider when deciding to transfer an offender to adult court, and replaces this list with the following factors.

*Factors Favoring Transfer:*

- The victim suffered physical, psychological, or serious economic harm;
- The physical or mental injury suffered by the victim was exacerbated because of the physical or mental vulnerability or the age of the victim;
- The juvenile's relationship with the victim facilitated the offense;
- The juvenile allegedly committed the offense for hire or as a part of a gang or other organized criminal activity;
- The juvenile had a firearm on or about his/her person or under his/her control at the time of the offense (other than carrying a concealed weapon), and the firearm was displayed, brandished, indicated, or used in the commission of the offense;
- The juvenile was allegedly motivated by prejudice, based on: race, ethnic background, gender, sexual orientation, or religion;
- At the time of the offense, the juvenile was awaiting adjudication or disposition, under a community sanction, or on parole for a prior offense;
- The juvenile is not amendable to juvenile dispositional options;
- The results of prior juvenile sanctions and programs make rehabilitation unlikely in the juvenile system;
- There is not sufficient time to rehabilitate the juvenile within the juvenile system.

*Factors Against Transfer:*

- The victim induced or facilitated the offense;
- The juvenile acted under provocation;
- The juvenile was not the principal offender or was under the negative influence or coercion of another;
- The juvenile did not cause physical harm to any person or property, or have reasonable cause to believe such harm would occur;
- The juvenile has not been previously adjudicated delinquent;
- The juvenile is amenable to juvenile dispositional options;
- The juvenile is not emotionally, physically, or psychologically mature enough to be bound over;
- There is sufficient time to rehabilitate the juvenile in the juvenile system and the level of security available reasonably assures public safety.

***PRESUMED BINDOVERS***

*Provisions of the Bill.* The bill includes a presumption that certain juveniles should be bound over to adult court. According to the Ohio Criminal Sentencing Commission, the presumption applies to:

- 14 and 15 year olds accused of aggravated murder or murder, when a firearm was used, displayed, brandished, or indicated, or when the juvenile previously was committed to DYS for a first-, second-, or third-degree felony offense;
- 16 and 17 year olds accused of attempted murder, when a firearm was used, displayed, brandished, or indicated, or when the juvenile previously was committed to DYS for a first-, second-, or third-degree felony offense;

- 16 and 17 year olds accused of a violent first-degree felony, when a firearm was used, displayed, brandished, or indicated, or when the juvenile previously was committed to DYS for a first-, second-, or third-degree felony offense;

These presumptions may be refuted, and the accused would be required to show by a preponderance of the evidence that blended, extended, or traditional juvenile sanctions are more appropriate. In order to do so, the juvenile would show that the factors indicating transfer are outweighed by the factors discouraging transfer, as set forth in the bill (see *Factors Favoring Transfer* and *Factors Against Transfer* in the Discretionary Bindover section of this analysis). Prosecutors would be given the right to appeal a decision by the court that a given juvenile remain in juvenile court, rather than be transferred to adult court.

### ***BLENDED SENTENCING AND SERIOUS YOUTHFUL OFFENDERS***

*Provisions of the Bill.* Under the blended sentencing proposed in the bill, the juvenile court gives both a juvenile disposition and an adult sentence to the offender, who is designated as a “serious youthful offender.” Under the bill, a serious youthful offender (SYO) designation generally can be imposed on a juvenile age 10 or above who is alleged to have committed murder, aggravated murder, or attempted murder under certain circumstances, as well as some offenders age 12 or older who have committed certain felonies of violence.

The bill includes a “juvenile-inclusive” variety of blended sentencing. The adult sentence is suspended pending successful completion of the juvenile term. The adult sentence can be invoked if the juvenile does any of the following: (1) violates DYS rules in an act that could be charged as a felony or first-degree misdemeanor, (2) displays behavior that represents clear and present danger to the safety of others, or (3) commits a new offense.

Juveniles would become eligible for blended sentencing under certain circumstances. In general, the bill outlines two types of serious youthful offenders who could receive blended sentencing: mandatory serious youthful offenders (MSYOs) and discretionary serious youthful offenders (DSYOs). Mandatory serious youthful offenders would automatically receive blended sentencing if they are adjudicated delinquent.<sup>4</sup>

The majority of offenders who could receive blended sentences, however, are expected to be DSYOs.<sup>5</sup> In these cases, the juvenile judge would have the option to impose a blended sentence, but would be under no obligation to do so. As alternatives, the judge may sentence a DSYO to either of the

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<sup>4</sup> An offender may receive a designation as a mandatory serious youthful offender if any of the following requirements are met: (1) an offender aged 14 to 15 is accused of aggravated murder; or (2) an offender aged 10 to 13 is accused of aggravated murder, who used a firearm in the commission of the offense or has been previously committed to DYS for certain felonies.

<sup>5</sup> An offender may receive a designation as a discretionary serious youthful offender if one of the following requirements are met: (1) an offender aged 10 to 15 is accused of attempted murder with certain enhancements; (2) an offender aged 10 to 17 is accused of attempted murder; (3) an offender aged 12 to 15 is accused of committing a first-degree felony offense of violence with certain enhancements; (4) an offender aged 14 to 17 is accused of committing a first- or second-degree felony; or (5) an offender aged 16 to 17 is accused of committing, with certain enhancements, certain third-, fourth-, and fifth-degree felonies.

following: (1) a term of extended juvenile jurisdiction in a DYS facility until age 25; or (2) disposition as a traditional juvenile offender. In order for a DSYO to receive blended sentencing, the judge must consider the following:

- The offense was an offense of violence;
- The juvenile used a firearm during the offense;
- The juvenile was previously committed to DYS for a first- or second-degree felony, or for a third-degree felony offense of violence.

Juveniles would be determined to be eligible as SYOs subject to blended sentencing in a preliminary hearing in juvenile court. Prior to the preliminary hearing, a prosecutor would request that the juvenile be dealt with as an SYO.

The juvenile offenders who would receive blended sentences, by facing adult sanctions, are afforded adult rights under the bill. These include: right to a jury trial, right to indictment by a grand jury, and right to bail. Under current law, by not being subject to adult sanctions, juveniles are not afforded these rights unless they are bound over to adult court to face adult charges in criminal court.

After being committed to DYS custody or to the custody of a probation officer, if an offender violates institutional rules by committing an offense equivalent to a felony or first-degree misdemeanor offense of violence, *or* behaves in a fashion that presents a clear and present danger to the safety of the institution, community, or victim, or jeopardizes the programming and treatment of others, the prosecutor would file a motion in juvenile court to have the adult portion of the sentence invoked.

If the adult sentence is invoked, the juvenile is to be transferred to the custody of the Department of Rehabilitation and Correction (DRC), while receiving credit for time served in the custody of DYS against the adult sentence.

### ***TRADITIONAL JUVENILE JURISDICTION***

Current law allows for a variety of conventional sanctions to be applied to juvenile offenders, including commitment to DYS until age 21, community control sanctions, fines, and restitution to victims. The bill permits these options to be available to many juvenile offenders, especially for low-level felony offenders and younger offenders.

Under the bill, traditional juvenile jurisdiction (TJJ) applies to all offenders who are not eligible for blended sentencing, or extended juvenile jurisdiction. The bill does make some changes to minimum periods of commitment to DYS for certain felonies, in which a judge must select a minimum term of imprisonment, generally at least six months.<sup>6</sup>

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<sup>6</sup> According to the Ohio Criminal Sentencing Commission, the ranges for minimum TJJ terms of DYS commitments for first-, second-, third-, fourth-, and fifth-degree felonies, respectively, are: between 6 months and 5 years; between 6 months and 4 years; between 6 months and 30 months; between 6 months and 18 months; and between 6 months and 1 year.

## ***DYS POPULATION INCREASE PROJECTIONS AND CAPITAL EXPENDITURES***

As a result of the bill, DYS’ institutional population will increase, principally due to sentences served in DYS institutions by offenders designated as serious youthful offenders (SYOs). The vast majority of these SYOs would be bound over and land in the adult correctional system and DRC’s custody under current law. Additionally, there may be longer sentences served by juveniles under extended juvenile jurisdiction (EJJs), plus some smaller expenditure increases associated with housing 10- and 11-year-olds. Several fiscal scenarios are presented below, taking the following factors into consideration: DYS institutional capacity, the likely number of SYOs, and capital improvements.

### *Current State of DYS Population and Capital Improvements*

DYS’ current average daily population is approximately 1,943, which puts it at about 127% of rated capacity of 1,531 beds. This represents an improvement relative to the overcrowding DYS experienced prior to the implementation of RECLAIM. DYS representatives have maintained that DYS must continue to reduce the size of its institutional population or increase its rated bed capacity in order to come into compliance with national standards.

DYS is in the process of closing the Training Institute of Central Ohio (TICO), and opening a new facility in Marion, Ohio. TICO’s original rated capacity was 196 beds, but this capacity has been reduced to 98 beds in recent years. The new facility at Marion will be opening with a rated capacity of 240 beds. Once TICO closes and Marion opens, DYS’ rated capacity will increase to 1,673 beds, and the DYS system would be at 116% of capacity, as shown in the table below.

<b><i>Table 3: Current State of DYS Population and Capital Improvements</i></b>			
<b>Assumptions</b>	<b>DYS Average Daily Population</b>	<b>Rated Capacity (Beds)</b>	<b>% of Capacity</b>
<i>Current Status</i>	1,943	1,531	127%
<i>TICO Closes; Marion Opens</i>	1,943	1,673	116%

In the discussion that follows, LBO examines several scenarios, based on varying assumptions concerning additional beds needed, overcrowding, and capital improvement costs.

#### *Scenario 1:*

##### *Assume Average Daily Population Increases by 292; DYS Builds a 189-Bed Facility*

Based on how current delinquent adjudications would fit into the dispositional options outlined in the bill, the Ohio Criminal Sentencing Commission (OCSC) estimates that 4,118 juveniles would be eligible annually to be SYOs. Based on practices by the Montgomery County Prosecutor’s office, it would charge approximately 10.75 % of their existing caseload as SYOs. If Montgomery County’s charging practices are typical of charging practices statewide, then approximately 443 juveniles would be charged as SYOs annually, and would serve additional time in DYS institutions. Taking into account the varying sentence lengths likely to be served by these offenders, DYS’ total average population would increase by 292 offenders, and 189 beds would need to be constructed.

Several assumptions are made by OCSC, including:

- With the exception of juveniles receiving extended juvenile jurisdiction, judges would release offenders at the same time they currently do. Average length of stay would remain constant.
- Offenders under extended juvenile jurisdiction would serve, on average, one additional year.
- There would be 131 fewer bindovers to adult court; these offenders would not be so eligible under the bill.
- Judges would commit the same number of felony delinquents to DYS as they do now.
- Gun specifications would be applied at the same rate.
- None of the serious youthful offenders receiving blended sentences will be “switched” to DRC.

Taking into account the closing of TICO and the opening of Marion, the OCSC scenario would place DYS at 120% of rated capacity, which is less than the current situation at 127% of rated capacity and greater than the 116% of rated capacity DYS would experience after TICO closes and Marion opens without the provisions of the bill. In order to achieve 120% capacity under the provisions of the bill, DYS would need to construct a 189-bed facility.

DYS’ per-bed construction cost for Marion was about \$133,000.<sup>7</sup> Building a 189-bed facility would cost about \$25 million (\$133,000 per bed x 189 beds = \$25,137,000). Annual debt service payments for bonds issued on \$25 million, at a conservative rate of 7.5 %, over 20 years, would run about \$2.46 million, for a 20-year total of approximately \$49 million. Annual debt service payments for bonds issued on \$25.1 million, over 15 years, would be about \$2.84 million, for a total payment of \$42.65 million, as shown in the table that follows immediately.

**Table 4: DYS Population and Capital Improvements under Scenario 1**

Assumptions	DYS Average Daily Population	Rated Capacity (Beds)	% of Capacity	Bonds Issued	Annual Debt Service Payments	Total Capital Payment*
<i>TICO Closes; Marion Opens; ADP** increases by 292; 189-bed Facility Built</i>	2,235	1,862	120%	\$25 million	\$2.8 million to \$2.5 million	\$42.7 million to \$49 million
*Assumes interest rate of 7.5 % on 15- and 20-year bonds, respectively. ** ADP is Average Daily Population.						

<sup>7</sup> DRC’s estimated per-bed cost for the maximum security facility in Youngstown, Ohio, was approximately \$90,000 per bed. These differences between the adult and juvenile systems are attributable to greater programming space and generally higher square-foot-to-offender ratios in the Marion facility.

*Scenario 2:*

*Assume Average Daily Population Increases by 400; DYS Builds a 240-Bed Facility*

DYS estimates that the effects of the bill will cause their average daily population to increase by 400 offenders, and that an additional facility, approximating the size of the facility at Marion, would need to be built to accommodate these offenders. LBO believes, but is not certain, that this estimate assumes that nearly all juveniles bound over and sanctioned in DRC under current law would be subject to blended sentencing under the bill. DYS estimates that the total capital costs, including debt service, for this institution to be built is approximately \$50,000,000.

If LBO assumes that the facility would be a duplicate of Marion, at 240 beds, at a per-bed cost of \$133,000 per bed, the cost of the facility would be \$31,920,000 (\$133,000 x 240 beds = \$31,920,000). Annual debt service for 15-year bonds at a rate of 7.5 %, would run about \$3.6 million, for a 15-year total of approximately \$54 million. If this is extended to 20-year bonds, the annual payment would be about \$3.1 million, for a 20-year total of approximately \$63 million.

***Table 5: DYS Population and Capital Improvements under Scenario 2***

Assumptions	DYS Average Daily Population	Rated Capacity (Beds)	% of Capacity	Bonds Issued	Annual Debt Service Payments	Total Capital Payment*
<i>TICO Closes; Marion Opens; ADP** Increases by 400; 240-bed Facility Built</i>	2,343	1,913	122%	\$31.9 million	\$3.1 to \$3.6 million	\$54 to \$63 million
*Assumes interest rate of 7.5 % on 15- and 20-year bonds, respectively. ** ADP is Average Daily Population.						

*Scenario 3:*

*Assume 350 Juveniles Added to DYS; DYS Builds a 200-bed Facility*

By essentially splitting the population difference between Scenarios 1 and 2, LBO projects that somewhere around 350 juveniles would be added to DYS, with the capital fiscal implications of adding a 200-bed facility detailed “Scenario 3” in the table that follows. This assumes that the current construction cost of \$133,000 per bed at Marion would apply to new facilities, and that \$26.6 million in bonds were issued. This third scenario represents LBO’s best estimate of the likely effects of the bill and the resulting capital improvement costs.

<b>Table 6: DYS Population and Capital Improvements under Scenario 3</b>						
Assumptions	DYS Average Daily Population	Rated Capacity (Beds)	% of Capacity	Bonds Issued	Annual Debt Service Payments	Total Capital Payment*
<i>TICO Closes; Marion Opens; ADP** Increases by 350; 200-bed Facility Built</i>	2,293	1,873	122%	\$26.6 million	\$2.6 to \$3 million	\$45.2 to \$52.2 million
<small>*Assumes interest rate of 7.5 % on 15- and 20-year bonds, respectively.  ** ADP is Average Daily Population.</small>						

*Summary of Capital Analysis and Other Issues*

In summary, LBO believes that DYS’ average daily population will increase by between 292 and 400 offenders under the bill, and believes that this will translate to between 189 and 240 additional beds needed. Annual debt service payments will range between \$2.5 and \$3.6 million, for a total capital payment between \$49 and \$63 million over the course of 15 to 20 years.

Our best estimate, which essentially splits the difference between two competing fiscal scenarios, is that there would likely be about 350 additional offenders requiring DYS build an additional 200 beds. Annual debt service payments for 15-year bonds on \$26.6 million (\$133,000 per bed x 200 beds = \$26.6 million) would be about \$3 million, for a total capital payment of \$45.2 million. Annual debt service payments for 20-year bonds would be \$2.61 million, for a total capital payment of \$52.19 million.

Other scenarios, based on varying population intake and available facilities are available. We briefly describe these options in terms of additional capital costs in the table that follows. Not all of these options may be as feasible as the three scenarios described above, based on the undesirability of overcrowding and the current deteriorated condition of the TICO facility. For the sake of comparison, however, we have projected these options in terms of additional *capital* costs only.

*DRC Issues.* Under the bill, it is likely that DRC may experience some decreases in expenditures, as some offenders are diverted to DYS under blended sentencing, rather than being bound over to criminal court and ultimately sentenced to a DRC prison. LBO estimates that the marginal annual cost to house an offender at DRC is around \$4,000. If 292 offenders are diverted from DRC to DYS, the savings to DRC could be around \$1.2 million annually (\$4,000 x 292 = \$1,168,000). If 400 offenders are diverted, the savings would be around \$1.6 million (\$4,000 x 400 = \$1,600,000), and if 350 are diverted, the savings would likely be approximately \$1.4 million (\$4,000 x 350 = \$1,400,000). However, these savings may be partially offset by some offenders violating the juvenile portions of their blended sentences at DYS and ultimately winding up at DRC.

**Table 7: DYS Population and Capital Improvements for Alternate Scenarios**

Assumptions	DYS Average Daily Population	Rated Capacity (Beds)	% of Capacity	Bonds Issued	Annual Debt Service Payments	Total Capital Payment*
<i>ADP** increases by 292; Marion opens; TICO closes</i>	2,235	1,673	134%	-	-	-
<i>ADP** increases by 292; Marion opens, TICO remains open with per-bed renovations equal to \$133,000 per bed</i>	2,235	1,771	126%	\$13 million	\$1.3 million to \$1.5 million	\$22.1 to \$25.5 million
<i>ADP** increases by 400; TICO closes; Marion opens</i>	2,343	1,673	140%	-	-	-
<i>ADP** increases by 400; TICO remains open with per-bed renovations equal to \$133,000 per bed; Marion opens; additional 240-bed facility built</i>	2,343	2,011	117%	\$44.9 million	\$4.4 to \$5.1 million	\$76.3 to \$89.1 million
<i>ADP** increases by 350; TICO closes; Marion opens</i>	2,293	1,673	137%	-	-	-
<i>ADP** increases by 350; Marion opens; TICO remains open with per-bed renovations equal to \$133,000 per bed</i>	2,293	1,771	129%	\$13 million	\$1.3 million to \$1.5 million	\$22.1 to \$25.5 million
<i>ADP** increases by 350; TICO closes; Marion opens; a new 100-bed facility is built</i>	2,293	1,773	129%	\$13.3 million	\$1.3 million to \$1.5 million	\$22.1 to \$25.5 million
<i>ADP** increases by 350; TICO closes; Marion opens; a new 150-bed facility is built</i>	2,293	1,823	126%	\$20 million	\$2 to \$2.3 million	\$39.2 million

\*Assumes interest rate of 7.5 % on 15- and 20-year bonds, respectively.

\*\* ADP is Average Daily Population.

## ***LOCAL FISCAL EFFECTS OF DISPOSITIONS***

### ***RECLAIM ISSUES***

*RECLAIM Summary.* The RECLAIM Ohio (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minor) program, initiated statewide in FY 1995, provides to juvenile courts funding to develop community-based programs for juvenile offenders. In doing so, the program is intended to reduce the number of commitments to DYS institutions.

Funding is allocated to counties through a formula based on the proportion of statewide felony delinquent adjudications coming from each county. Each month, counties are debited 75 % against a per diem allocation for youth placed in DYS institutions and 50 % for youth placed in community corrections facilities. Any funds remaining after debits are made are remitted to the counties and provided to the juvenile court to support the development and operation of rehabilitation programs at the local level. Courts may use the funds to purchase or develop a broad-based spectrum of community-based programs for adjudicated felony delinquent youths who would otherwise have been committed to DYS. Such programs include: day treatment, intensive probation, electronic monitoring, home-based services, residential treatment reintegration, and transitional programs.

A contingency fund in the program, which represents up to five % of the total RECLAIM allocation, allows the courts to commit youth to DYS or community corrections facilities, even if a county has exhausted its allocation.

The law also provides for a category of commitments called *public safety beds*, for which the counties are not debited. Public safety beds are provided for youth that are committed for very serious offenses, such as aggravated murder. Various safeguards are built into the system to ensure that the department will remain fiscally solvent, and counties will not be left out-of-pocket.

*Effects of the Bill.* The department's funding stream, GRF line item 470-401 RECLAIM, is unusual in that it is used both to fund institutional operations as well as provide what amounts to conditioned subsidy payments to counties under the RECLAIM formula. By estimating the likely costs to counties for transferring offenders to DYS under the bill, we also conversely estimate the revenue gained by DYS institutions for incarcerating these youth.

By creating a class of serious youthful offenders which would necessarily be committed to DYS by counties, instead of being bound over to adult court and ultimately sanctioned by DRC, counties would incur increases in expenditures associated with paying for these offenders to go to DYS. Under current RECLAIM practices, counties are not charged for youth who are bound over and sanctioned in the adult system. The current per diem rate to house an offender in a DYS facility is \$133, and is the basis for RECLAIM formula calculations. LBO assumes that the majority of the serious youthful offenders are currently being bound over to criminal court and sanctioned in DRC, and that counties are not being debited against their RECLAIM allocations for doing so. By placing them in DYS under blended sentences, then counties would be forced to return greater portions of their RECLAIM allocations than would otherwise be the case.

LBO makes several assumptions throughout this analysis:

1. The number of public safety beds would remain the same as it is currently, which LBO believes is around 389 beds. The bill does not alter the calculation of public safety beds described in section 5139.01 of the Revised Code.
2. All offenders designated as serious youthful offenders and who would receive blended sentences under the bill are currently being sanctioned in DRC as bindovers, and that counties are not currently charged for these offenders who are charged as adults. In reality, LBO believes that some of these offenders would be sent to DYS under current practice, and that this would continue under the bill.
3. All offenders designated as serious youthful offenders and who would receive blended sentences under the bill would be committed to DYS custody, and DYS would charge counties 25 % of the per diem rate for those offenders.
4. DYS' current per diem rate is around \$133. LBO believes that DYS currently takes 75 % of the per diem rate off the top. This makes the maximum per diem amount that counties can keep if an offender is sanctioned locally about \$99.75 ( $\$133 \times .75 = \$99.75$ ). DYS requires this 25 % of the per diem to administer the program.
5. No additional GRF dollars are added to the RECLAIM program.
6. DYS capacity remains at current levels.

As discussed previously in the capital section of this analysis, there are three likely projections for the number of additional beds that DYS would need to build or absorb under the bill: 292 offenders, 400 offenders, and 350 offenders. Based on these scenarios, LBO makes the following estimates.

*Scenario 1:*

*DYS' Average Daily Population Increases by 292 Offenders*

In this scenario, 292 offenders, under blended sentencing, would be effectively transferred from the adult system to DYS under the bill. Currently, we assume that these offenders would wind up in DRC as bindovers, and that counties are not charged for these. Presumably, counties would be charged at 75 % against the per diem rate for these offenders to go to DYS. This would result in counties being charged \$10,631,355 by DYS, to allow DYS to cover operating expenditures associated with incarcerating these juveniles (292 offenders x \$99.75 per diem x 365 days = \$10,631,355). Thus, the net annual loss to counties would be around \$10.6 million under this scenario, and DYS would gain this amount for operating expenses related to the 292 additional offenders.

DYS would also require 25 % of the per diem to manage these additional offenders, as outlined in our fourth assumption, above. This would result in about \$3.5 million in additional GRF expenditures on an annual basis ( $\$133 \times .25 = \$33.25$ , and  $\$33.25 \times 292 \text{ offenders} \times 365 \text{ days} = \$3,543,785$ ).

*Scenario 2:  
DYS' Average Daily Population Increases by 400 Offenders*

If 400 offenders are effectively transferred from the adult system to DYS instead, counties would be charged at 75 % against the per diem rate. This would result in counties being charged \$14,563,500 by DYS annually (400 offenders x \$99.75 per diem x 365 days = \$14,563,500). Counties would lose about \$14.6 million in allocations annually, while DYS would gain this amount for operating expenses related to managing 400 additional offenders.

By requiring 25 % of the per diem for administration, DYS would incur about \$4.9 million in additional GRF expenditures annually ( $\$133 \times .25 = \$33.25$ , and  $\$33.25 \times 400 \text{ offenders} \times 365 \text{ days} = \$4,854,500$ ).

*Scenario 3:  
DYS' Average Daily Population Increases by 350 Offenders*

If 350 offenders are effectively transferred from the adult system to DYS, then counties would lose 75 % of their per diem allocation. This would result in counties being charged \$12,743,063 by DYS annually, while DYS would gain this amount for operating expenses related to managing 350 additional offenders (350 offenders x \$99.75 per diem x 365 = \$12,743,063).

By requiring 25 % of the per diem for administration, DYS would incur about \$4,247,688 in additional GRF expenditures annually ( $\$133 \times .25 = \$33.25$ , and  $\$33.25 \times 350 \text{ beds} \times 365 \text{ days} = \$4,247,688$ ).

*Summary.* Under the RECLAIM portion of this analysis, counties would likely experience annual losses in RECLAIM allocations of between \$10.6 million and \$14.6 million statewide, with LBO's best estimate being that this amount would most likely be around \$12.7 million. DYS would incur additional GRF expenditures between \$3.5 and \$4.9 million annually, with LBO's best estimate being that the amount would be around \$4.2 million.

*Other Possibilities.* GRF funds, equal to the amounts remitted by counties under the bill, could be added to the annual RECLAIM appropriation to hold counties and DYS fiscally harmless to these provisions of the bill. These GRF additions to the RECLAIM funding pool would range from \$14.1 million to \$19.5 million, and would likely hover around \$16.9 million.

If DYS constructs additional facilities, it is likely that the per diem rate would either remain at \$133 per day or increase. If the per diem increases, then the loss to counties would be greater than described in this analysis. If DYS were to absorb the additional offenders at marginal costs without constructing new facilities, then the per diem rate would presumably decrease. If the per diem rate decreases, then the loss to counties would diminish.

## ***JURY TRIALS***

*Existing Law.* Current law allows for any adult, 18 years of age or older, arrested under the Juvenile Code to demand a jury trial, or the juvenile judge may call a jury for the arrested adult. Under existing law, juveniles are not subject to adult sanctions and are not afforded jury trial rights unless they are bound over to adult court to face charges in a common pleas court. In this case, the procedures for requesting a jury trial and for impaneling a jury are the same as the procedures for an adult jury trial in a court of common pleas.

*Provisions of the Bill.* Under the bill, some juvenile offenders face blended sentences. By facing adult sanctions, these offenders are afforded adult rights, which include jury trials. The types of juvenile offenders eligible for jury trials include the mandatory serious youthful offenders (MSYO)<sup>8</sup>, and the discretionary serious youthful offenders (DSYO)<sup>9</sup>.

*Costs of Jury Trials.* It is difficult to predict the number of juvenile jury trials that would take place as a result of the bill, without actually implementing the bill. However, LBO has attempted to estimate the number of jury trials and the costs based on information provided by the Ohio Criminal Sentencing Commission and other states.

LBO has prepared three separate cost scenarios. *Scenario 1* quantifies LBO's low estimate of the bill's impact on jury trials, which likely represents a gross undercount because it assumes only 10.75 % of the juveniles eligible to receive a SYO disposition will end up receiving SYO status. *Scenario 2* quantifies LBO's high estimate, which likely represents an overestimation of the number of jury trials because it assumes all likely SYOs will receive SYO dispositions, and will then request jury trials. *Scenario 3* represents LBO's "most likely" estimate of the number of jury trials and the associated costs.

***Scenario 1 (Low Estimate of Jury Trials).*** The Ohio Criminal Sentencing Commission has estimated that jury trials will resolve approximately 3.5 % of the anticipated number of SYO cases, which works out to approximately 34 jury trials. The calculation for the number of SYOs was based on 4,118 juvenile offenders, eligible to receive an SYO status, and assumes (based on Montgomery County's experience) 10.75 % of these juveniles would be facing a Serious Youthful Offender disposition, an estimated 443 SYO's. In common pleas courts, the percentage of jury trials is approximately 3.5 %. Assuming SYO's would receive a jury trial as frequently as adult defendants, there would be 16 jury trials statewide. However, the adult system counts charges filed and the juvenile system counts offenders, so LBO determines that this percentage is likely an undercount.

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<sup>8</sup> An offender may receive a designation as mandatory serious youthful offenders if one of the following requirements are met: (1) an offender aged 14 to 15 is accused of aggravated murder; or (2) an offender aged 10 to 13 is accused of aggravated murder who used a firearm, or has been previously committed to DYS for certain felonies.

<sup>9</sup> An offender may receive a designation as a discretionary serious youthful offender if one of the following requirements are met: (1) an offender aged 10 to 15 is accused of attempted murder with certain enhancements; (2) an offender aged 10 to 17 is accused of attempted murder; (3) an offender aged 12 to 15 is accused of committing a first-degree felony offense of violence with certain enhancements; (4) an offender aged 14 to 17 is accused of committing a first-or second-degree felony; or (5) an offender aged 16 to 17 is accused of committing, with certain enhancements, certain third-, fourth-, and fifth-degree felonies.

<b>Table 8: Ohio Criminal Sentencing Commission Jury Trial Estimates</b>			
Assumptions	% of SYO Dispositions	% of Jury Trials	Total Number of Jury Trials
4,118 SYO Eligible Juveniles	10.75% (443)	3.5%	16

<b>Table 9: Costs Based on 16 Jury Trials</b>			
Court System Expenses	Defense Counsel Expenses	Expert Fees (up to 25%)	Total Costs
\$1,434 per case (16 trials x \$1,434 = \$22,944)	\$3,000 per case - \$347 current costs per case (16 x \$3,000 = \$48,000 - \$5,552 = \$42,448)	\$42,448 x .25 = \$10,612	\$76,004

*Court System Expenses.* The average cost of a jury trial in the common pleas court system is \$1,434. This does not include the cost of the courtroom advocates, court security, prosecution, counsel, and capital costs of renovation. The total court operating cost statewide would be \$22,944, assuming the cost is similar to the juvenile court system.

*Defense Counsel Expense.* Under the bill, juvenile defendants will have the same protection and due process rights as adults. Although the defense counsel expenses are difficult to estimate without actually having juvenile trials, it can be assumed that juvenile defense counsel costs will be roughly the same as the adult felony defense counsel costs. Based on the Ohio Public Defender's planned maximum fee schedule for calendar year 2000 (which includes jury trial fees), a first-degree through third-degree felony proceeding is \$3,000 per case; a fourth-degree and fifth-degree felony proceeding is \$2,500 per case. LBO assumes the costs will be close to \$3,000 per case.

The Ohio Public Defender's 1997 Annual Report indicated that the statewide average appointed counsel fee for juvenile proceedings is \$347 per case, which does not include jury trials. Using our estimated 16 juvenile proceedings, under existing law, the statewide average for appointed counsel, would be approximately \$5,552 (not including jury trials). Assuming the costs of a juvenile jury trial would be similar to felony level adult defense counsel fees, the total statewide costs would be around \$42,448.

On top of the defense counsel fees, the Ohio Public Defender estimates that expenses for psychologist fees, psychiatrist fees, and other medical expert fees could be up to 25 % of the total defense counsel costs. Based on 16 jury trials the amount for expert fees would be approximately \$10,612.

*Total Costs.* In summary, the aggregate annual court system and defense counsel costs for a juvenile jury trial, based on scenario 1 assumptions, would be at least \$76,004 statewide. It should be noted that we have not tried to estimate prosecution or capital improvement costs. Under the bill, there are no additional appropriations for state reimbursement of counties expenses for the costs of juvenile jury trials.

*State Reimbursement.* The state reimburses counties for up to 50 % for the public defender counsel expenses through the following GRF line items: 019-403, Multi-County Public Defense-State Share; 019-404, Trumbull County-State Share; 019-501, County Reimbursement – Non-Capital Cases; and 019-503, County Reimbursement- Capital Cases. In total, the costs to the state for reimbursement could be up to \$26,530 and the costs to counties would be approximately \$49,474, depending on the rate of state reimbursement.

*Scenario 2 (High Estimate of Jury Trials).* This scenario excludes the assumption that 10.75 % of eligible juveniles will end up with a SYO status. Instead, LBO assumes that all of the 4,118 eligible juvenile offenders would receive a SYO disposition. If 3.5 % of 4,118 possible SYOs receive a jury trial, the total number of jury trials statewide would be 144. The costs associated with these jury trials are quantified using similar calculations as in Scenario 1.

**Table 10: LBO’s High Estimate of Juvenile Jury Trials**

Assumptions	% of Jury Trials	Total Number of Jury Trials
<i>4,118 SYO Eligible Juveniles receive SYO Disposition</i>	<i>3.5%</i>	<i>144</i>

**Table 11: Costs Based on 144 Jury Trials**

Court System Expenses	Defense Counsel Expenses	Expert Fees (up to 25%)	Total Costs
<i>\$1,434 per case (144 trials x \$1,434 = \$206,496)</i>	<i>\$3,000 per case - \$347 current costs per case (144 x \$3,000 = \$432,000 - \$49,968 = \$382,032)</i>	<i>\$382,032 x 25% = \$95,508</i>	<i>\$684,036</i>

*Total Costs.* The aggregate annual court system and defense counsel expenses for jury trials would be at least \$684,036. If one assumes state reimbursement to counties for up to 50 % of defense counsel expenses, then counties could recover up to \$238,770 annually. Again, other areas of local cost increases, such as prosecution and capital improvements, are not included.

*Scenario 3 “Most Likely” Estimate.* A survey of states conducted by the Minnesota Juvenile Justice Task Force found that, in those states with juvenile jury trial rights, the right was seldom exercised. In Wisconsin, for example, less than three % of juveniles received a jury trial, and in Texas and Oklahoma, the rate was less than one %. In short, where available, juveniles used the jury less frequently than the adult defendants.

<b>Table 12: LBO's High Estimate of Juvenile Jury Trials</b>		
Assumptions	% of Jury Trials	Total Number of Jury Trials
<i>4,118 SYO Eligible Juveniles receive SYO Disposition</i>	2.5%	102

<b>Table 13: Costs Based on 102 Jury Trials</b>			
Court System Expenses	Defense Counsel Expenses	Expert Fees (up to 25%)	Total Costs
<i>\$1,434 per case (102 trials x \$1,434 = \$146,268)</i>	<i>\$3,000 per case - \$347 current costs per case (102 x \$3,000 = \$306,000 - \$35,394 = \$270,606)</i>	<i>\$270,606 x 25% =\$67,651</i>	<i>\$484,525</i>

LBO's best estimate attempts to take into account the most likely percentage of juveniles that would receive jury trial. It seems, based on other states' experiences, juveniles do not receive jury trials as frequently as adults. Scenarios 1 and 2 assumed 3.5% of the eligible juveniles will receive a jury trial, based on the adult proceeding statistics. LBO assumes around 2.5% of eligible juveniles will most likely receive a jury trial, which more accurately represents other states jury trial numbers. Assuming that is true, then the number of juvenile jury trials would be around 100.

*Total Costs.* The aggregate annual court system and defense counsel costs for jury trials would be at least \$484,525. If one assumes state reimbursement to counties for up to 50 % of defense counsel expenses, then counties could recover up to \$169,129 annually. Other areas of potential costs to counties, such as prosecution and capital improvements, are not included.

## **DETENTION BEDS**

*Existing law.* Under existing law, juvenile judges do not have the legal ability to directly sentence juvenile offenders to detention centers for misdemeanor level offenses. Juveniles who are alleged to be or have been adjudicated delinquent may be detained after a complaint is filed in the detention home until final disposition of their cases or in certified family foster homes for a period not exceeding 60 days or until final disposition of their cases, whichever comes first.

*Provisions of the bill.* The bill allows direct placement of misdemeanor level delinquents into detention centers for up to 60 days. This is different from existing law. Misdemeanor level delinquents could now be sent to a detention center as a sanction for their crime and not just for pre-trial housing, which is the case under existing law. Therefore, there is the possibility of more misdemeanor level delinquents ending up in detention centers than otherwise would be placed in this type of confinement for their criminal violations under current law. The language in the bill is permissive, so direct sentencing could be used at the discretion of a judge. Under the bill, detention centers would not get any additional state funding to confine more juveniles.

Currently, detention centers have relatively fixed bed capacity. The Franklin County Juvenile Court reports that their detention center operates at or over capacity on a daily basis. LBO believes that the statewide detention center population is currently at around 110 % of rated bed capacity. There are some jurisdictions already using detention centers as sanctioning options for certain misdemeanors or repeat misdemeanor level offenders. In these jurisdictions, judges are using creative sentencing techniques by sending juveniles to the detention centers for a 90-day evaluation period, when in fact, this period is a sanction for the juvenile offender. LBO assumes that in these jurisdictions the direct sentencing option is codifying current practice for these juvenile judges.

For rural counties without detention centers, there may be a greater need to buy additional bed space from other counties. However, detention centers are operating at relatively fixed capacities, so direct sentencing for misdemeanor level delinquents may not be a feasible option for rural county juvenile judges.

*Costs for additional detention beds.* Despite the fact that some judges use detention centers for misdemeanants now, there still would need to be additional detention beds statewide. The table immediately following reflects the Ohio Criminal Sentencing Commission's estimate for the number of additional juvenile detention beds for the direct sentencing of misdemeanants. This estimate makes a number of assumptions about expected length of stay and types of offenses that fall into the misdemeanor category.

<b>Table 14: Ohio Criminal Sentencing Commission Detention Bed Estimate*</b>			
Offense	% of Misdemeanors*	Judges Survey**	Length of Stay (Days)
<i>Theft</i>	7.9% (6,241)	28% (1,806)	5.9 (10,659)
<i>Disorderly Conduct</i>	24% (19,276)	4.5% (8,693)	1.9 (16,517)
<i>Assault</i>	6.6% (5,214)	50% (2,635)	6.45 (17,000)
<i>Underage</i>	2% (1,580)	21% (333)	5.6 (1,869)
<i>Total</i>			46,045
*Based on 79,000 juvenile misdemeanors annually			
**Juvenile Judges Survey, A Sentencing Commission Staff Report 1997			

Based on the table immediately above, the total number of days for direct sentencing detention beds would be approximately 46,045, which the Sentencing Commission determined to equal about 126 additional detention beds. For juvenile traffic offenders, it is estimated that approximately 24 more beds would be necessary. In total, the number of additional detention beds needed would be approximately 150 beds (126 beds + 24 beds).

*Capital Costs.* Based on the average construction costs of recent detention centers and community correction facilities, the cost per detention bed would be approximately \$134,097. If we assume 150 additional beds would be necessary for direct sentencing of misdemeanants, then we would

estimate a statewide detention bed construction cost of around \$20.1 million (150 x \$134,097 = \$20,114,550). We can assume 7.5% debt service over 20 years would cost approximately \$1.97 million per year.

*Operating Costs.* The Department of Youth Services estimates the operating costs of a detention bed at approximately \$100/day, which for an additional 150 beds works out to be \$5.47 million in annual operating costs (\$100 x 365day/year x 150 beds = \$5.47 million).

In summary, if judges want to use detention beds as sentencing tools for misdemeanants, regardless of the current full capacity of detention centers, there would be costs associated with the need for more beds. The total annual capital and operating costs associated with 150 additional beds would be approximately \$7.44 million.

## **JUVENILE SEX OFFENDERS**

### **Operation of Ohio's Existing Sex Offender Registry**

In Ohio, three classes of offenders currently are required to register upon release: sexual predators, habitual sex offenders, and sexually oriented offenders. All are required to provide fingerprints, photographs, DNA, criminal history, and vehicle registration information.

*Registration & Verification.* Offenders must register with the county sheriff within seven days of entering any county, and within seven days of changing address. These requirements also apply to out of state offenders establishing residence in Ohio. The penalties for failure to register in Ohio are dependent upon the sexually oriented offense the offender committed. Offenders who are required to register as the result of committing a misdemeanor sex offense are charged with a first-degree misdemeanor for failure to register. A first-degree misdemeanant may be sentenced up to six months in jail and fined up to \$1,000. Offenders who are required to register as the result of committing a felony sex offense are charged with a fifth-degree felony for failure to register. A fifth-degree felon may be sentenced to a prison term of between six and twelve months and may be fined up to \$2,500.

The classification of sex offenders under Ohio law is as follows:

- ***Sexual predator:*** An offender who is convicted of a sexually violent offense and is determined to be a sexual predator by the sentencing court. Generally, sexual predators are required to register for life and must verify their addresses with the county sheriff quarterly.
- ***Habitual sex offender:*** An offender previously convicted of one or more sexually oriented offenses. The sentencing judge may or may not determine that community notification is necessary. Generally, habitual offenders must register for 20 years and must verify their addresses with the county sheriff annually.
- ***Sexually oriented offender:*** An offender convicted of a sexually oriented offense. Such offenders must register for 10 years, verify their addresses with the county sheriff annually, and are not subject to community notification provisions.

*Notification.* Current law relative to adult sex offenders requires county sheriffs to provide written notices, containing specified information and within a specified period of time, to victims, neighbors, and certain members of the public. The people or entities that have to be notified depend upon whether the individual in question is a sexually oriented offender, a habitual sex offender, or a sexual predator.

## **Responsibility Distribution for Sex Offender Registry Operation**

According to information provided by the Office of the Attorney General, there are currently 3,200 adult offenders registered in Ohio. The operation of this sex offender registry is dependent upon interagency cooperation among many state and local entities, including the Department of Rehabilitation and Correction (DRC), the Bureau of Criminal Identification and Investigation (BCII), and county sheriff departments.

*Department of Rehabilitation and Correction.* At the time of a sex offender's release from prison, DRC reviews the registry requirements, obtains background information on the offender, including the offender's intended place of residence, and forwards this information on to the sheriff's department in that area and to BCII.

*County Sheriffs.* County sheriffs currently bear the brunt of the sex offender registration and notification burdens. Offenders are required to register with the county sheriff, who is in turn responsible for notifying certain individuals and entities. County sheriffs are also required to forward address verifications and related offender information to BCII.

*Bureau of Criminal Identification and Investigation.* Pursuant to current law, the Office of the Attorney General has established and maintains the State Registry of Sex Offenders that is housed at BCII. This registry contains all of the sex offender information forwarded from local officials and DRC. BCII also forwards this information onto the FBI for inclusion in its National Sex Offender Database.

## **Operation of the Bill and Fiscal Effects**

The bill generally extends the Sex Offender Registration and Notification Law provisions to juvenile sex offenders, with the following exceptions:

- Juvenile sexually oriented offenders, at the option of the juvenile judge, would be subject to registration requirements for *up to* ten years.
- Juvenile habitual sexual offenders, at the option of the juvenile judge, would be subject to registering with the sheriff for *up to* twenty years.
- Juvenile sexual predators, at the option of the juvenile judge, would be subject to registration requirements *up to* life.
- The Geographical Notification provisions described above for sexual predators would apply to juvenile sexual predators who receive blended sentences, if the juvenile judge recommends it.
- Juvenile registration records would not be public records under the bill.

- At the time of adjudication, the presiding judge is responsible for outlining the requirements of sex offender registration to the juvenile.

*Number of Qualifying Juvenile Offenders.* From the limited data we have on hand relative to juvenile sex offenders, we have deduced that the number of juveniles that would be registering annually as a result the bill could easily approach 700 or more, many of whom are sanctioned locally and not sentenced into the custody of DYS. Under the bill, juvenile courts are charged with informing these juveniles of their registration requirements, county sheriffs are given information collection and dissemination duties, and the State Registry of Sex Offenders maintained by BCII will grow with the addition of certain juveniles. In addition, DYS will be required to forward to BCII information on juvenile sex offenders it releases, and, although the bill appears to be silent on the matter, will likely feel compelled to disseminate information to the affected juveniles and their parents or guardians, juvenile courts, and county sheriffs.

However, LBO expects that administrative burdens would be greatest in the initial years of the application of the registry to juvenile offenders. LBO believes that DYS currently has approximately 400 sex offenders currently in institutional custody, representing additional offenders who would fall under the provisions of the bill as they are released in the near future.

In general, LBO expects that the provisions of the bill will have the following fiscal effects:

*Department of Youth Services.* As was just mentioned, DYS will assume additional information dissemination duties that will be triggered each and every time it releases a juvenile sex offender. Our best estimate at this time is that the number of juveniles being released by DYS annually that would be affected by the bill could be in the range of 100 to 200. A conversation with the department on this matter led us to believe that the additional administrative burden associated with releasing these juveniles will create at most a minimal increase in its annual operating expenditures.

*Attorney General's Office/BCII.* Based upon information provided by the Office of the Attorney, we have come to believe that BCII's operating costs in relation to the maintaining the State Registry of Sex Offenders can be detailed as follows:

- Salaries and fringe benefits total approximately \$143,000 annually for two full-time administrative and support positions, two part-time trainers, and one part-time Automated Fingerprint Identification System (AFIS) operator;
- An additional 18% of the salary cost for equipment and space (\$25,740);
- Forms to be distributed to law enforcement total approximately \$5,000 annually.

From these numbers, we have been able to glean that BCII's annual operating cost for the State Registry of Sex Offenders currently totals close to \$200,000. In addition, we learned that the one-time initial set-up costs for this state registry totaled around \$70,000.

The addition of 700 or more juvenile offenders annually to the existing State Registry of Sex Offenders will increase BCII's operational costs. Drawing again on our conversation with the Office of the Attorney General, we believe that the additional annual operating costs for BCII as a

result of the bill will total less than \$100,000, which includes up to two additional staff and related maintenance and equipment expenses. It is also likely that BCII will incur a one-time start-up cost similar to that for the existing State Registry of Sex Offenders containing adult sex offenders. There is an unknown here. We do know that the Office of the Attorney General is contemplating integration of the State Registry of Sex Offenders into AFIS, but we are uncertain as the status of that plan or whether the addition of juvenile offenders will markedly alter the projected cost of system integration.

*Sheriff's Departments.* County sheriffs already have an assortment of information collection and dissemination duties under the state's existing adult sex offender registration, verification, and notification law. Under the bill, these duties will be expanded to be generally applicable to juvenile sex offenders.

We are unable to precisely estimate the fiscal consequences of this expansion to county sheriffs. LBO does believe, however, that in certain areas of the state the cumulative effects of having to keep track of an increasing number of juvenile sex offenders will increase a county sheriff's annual operating costs to the point that an additional part- or full-time person has to be assigned to handle these sex offender registration and notification tasks. The annual cost of adding another part- or full-time person could easily hit \$10,000-to-\$20,000 or more. Expenditures to local government are anticipated to be greatest in the initial years of the addition of juveniles to the registry, as the bill includes all qualifying juveniles who are sentenced on or after January 1, 1997.

*Juvenile Courts.* The bill also contains several facets that will increase burdens county juvenile justice systems, in particular juvenile courts. Juvenile courts are required to determine if a juvenile is an offender subject to registration, the courts must decide how long an offender should be placed under registration requirements, and the courts must notify juveniles of their registration requirements. Juvenile sex offenders who fail to comply with their registration requirements can be charged with a first-degree misdemeanor or fifth-degree felony, depending upon the seriousness of the original offense, and would reappear in juvenile court for these offenses. The additional annual fiscal burden these facets of the bill will place on county juvenile justice systems would obviously be greater in more populous jurisdictions where there are likely to be a larger numbers of juvenile sex offenders. Although we cannot put an annual price tag of this fiscal burden, we cannot imagine it exceed minimal.

*State & Local Revenue.* Court cost and fine revenue generated for county and state treasuries will be affected by the bill as a result of a provision that criminalizes the failure of juvenile sex offenders to comply with their registration requirements. LBO believes that relatively few cases will actually be prosecuted and very little in the way of court cost or fine revenue will end up being collected and deposited to the credit of the state GRF, the state Crime Victim Reparations Fund, or a county treasury.

## **PARENTAL RESPONSIBILITY PROVISIONS**

*Current Law.* Existing law provides a series of remedies for truancy. Under Revised Code section 3321.19, when a board of education determines that a student has been truant, and that the parent or guardian failed to cause the student to attend, the board may require the parent or guardian to attend an educational program. Revised Code section 3313.663 permits board of education to create

these education programs, and to permits boards to adopt such policies to require parents or guardians to attend these programs.

Under Revised Code section 3321.38, a parent who fails to send a child to school may be required by the court to give bond in the sum of \$100, with sureties to the approval of the court, conditioned that the child will attend school as required by the compulsory school attendance statute (O.R.C. 3321.04). Violators of section 3321.38 are to be fined not less than \$5 nor more than \$20.

If a parent or guardian is determined to have caused a child to be unruly through truant behavior, a parent may be found guilty of the offense of contributing to unruliness or delinquency, a misdemeanor of the first degree (O.R.C. 2929.24). Juveniles in some cases may also be charged as unrulies by being habitually or chronically truant.

*Provisions of the Bill.* The bill clarifies provisions describing the first-degree misdemeanor offense for causing a child to become unruly through delinquent behavior. The bill also clarifies that parents must comply with court orders through a bond enforcement mechanism for juveniles under probation.

The penalty for failure to send a child to school, which is \$5 to \$20 under current law, is elevated to the level of a fourth-degree misdemeanor. Fourth-degree misdemeanors are punishable by up to 30 days in jail and fines up to \$250.

*Prevalence.* The Department of Education has indicated that truancy is a reasonably widespread problem. In any given year, the Department of Education estimates that approximately 4,000 juveniles are reported to their agency as truant. Additional cases are likely to occur that are not reported to the Department of Education.

However, under existing law and practice, enforcement of truancy provisions has not been widespread or especially severe. Under the provisions of the bill, the onus of reporting truancy and bringing these cases to the attention of local prosecutors is still upon school boards. In many jurisdictions, LBO believes that relatively few parents of truant children are brought to the attention of prosecutors to face fine or imprisonment penalties currently. LBO believes that relatively few additional parents would face the new penalties described in the bill and thereby incur only minimal increases in expenditures and fine revenue for truancy cases.

Other jurisdictions may experience more substantial increases. For example, in Franklin County Juvenile Court, 1,298 cases involving truant juveniles were referred to that court in FY 1998. Of these cases, there were 339 formal filings, and in excess of 700 are pending while the court is attempting to resolve these issues with the families involved before filing charges.

Under current law, the parents of these juveniles could face fines between \$5 and \$20, or up to six months' imprisonment or a fine up to \$1,000 as first-degree misdemeanants. Discussions with Franklin County Juvenile Court indicate that parents of truant juveniles are rarely charged for offense; however, greater efforts are being made to charge these parents and bring them to court.

LBO expects two dynamics to occur in these cases: (1) parents currently charged as first-degree misdemeanants will continue to be so charged under the bill, with a few additional cases charged in this fashion due to the clarification; (2) those offenders currently being fined between \$5 and \$20 would face fourth-degree misdemeanor penalties under the bill, with imprisonment up to 30 days and fines up to \$250. LBO would expect that counties with higher caseloads would likely receive additional fine revenue, and may experience increases in jail expenditures associated with increased incarceration costs. However, LBO believes that school boards are generally reticent to bring charges and would prefer to work with parents for resolution. Therefore, LBO's underlying assumption is that very few parents are currently now charged with crimes, and that this dynamic would largely continue under the provisions of the bill.

### ***JUVENILE TRAFFIC OFFENDERS***

*Provisions of the Bill.* The bill makes several changes to law pertaining to juvenile traffic offenders (JTO's), which would likely result in minimal fiscal impact to state and local governments. From a fiscal standpoint, the most important facet of the proposed juvenile traffic changes that will be discussed in this analysis is a change made to how traffic violations are processed.

The bill requests the Supreme Court to authorize the creation of a traffic violations bureau within juvenile courts to allow some minor misdemeanor juvenile traffic offenders to pay tickets without making court appearances, which are required under current law. According to the Supreme Court's *Ohio Courts Summary*, there were 131,934 juvenile traffic cases processed in Calendar Year 1998. By allowing many of these cases to be processed without court appearances, savings would likely result to juvenile courts that choose to do so, dependent upon the volume of their existing caseload. LBO expects that these savings could be in the thousands of dollars in more populous jurisdictions.

### ***FINE STRUCTURE AND VICTIM RESTITUTION***

*Provisions of the Bill.* The bill makes several changes to the juvenile law governing fines, costs, and restitution. Generally, LBO believes that fines are not commonly levied against juvenile delinquency offenders, but the fine increases and other changes made by the bill may result in minimal increases in fine revenue collection in some jurisdictions, especially as applied against minor misdemeanor offenders.

According to documents provided by the Ohio Criminal Sentencing Commission, changes are made to juvenile fine schedule as follows:

<i>Table 15: Fine Schedule Changes*</i>		
<i>Offense</i>	<i>Maximum Fine under Current Law</i>	<i>Maximum Fine under S.B. 179</i>
<b>Murder</b>	\$1,800	\$2,000
<i>First-degree felony</i>	\$1,450	\$1,500
<i>Second-degree felony</i>	\$1,000	\$1,000
<i>Third-degree felony</i>	\$750	\$500
<i>Fourth-degree felony</i>	\$400	\$400
<i>Fifth-degree felony</i>	\$300	\$300
<i>First-degree misdemeanor</i>	\$225	\$250
<i>Second-degree misdemeanor</i>	\$175	\$200
<i>Third-degree misdemeanor</i>	\$125	\$150
<i>Fourth-degree misdemeanor</i>	\$75	\$100
<i>Minor misdemeanor</i>	\$50	\$50
*Table provided by the Ohio Criminal Sentencing Commission		

*Victim Restitution.* The language concerning victim restitution is broadened to include amounts based on the victim’s economic loss caused by or related to the offense. Restitution may include: reimbursement to eligible third parties, cash payment, performance of labor or services by the offender to the victim or survivor, the performance of community service, or any other restitution devised by the court. Offenders may also be required to pay costs of implementing community control, confinement in a residential facility or DYS institution, and any associated medical and supervision costs. These reimbursements for confinement may not exceed the offender’s ability to pay, or \$10,000. The juvenile court may hold hearings to determine the offender’s ability to pay.

Existing law and practice suggests that community service be ordered against indigent offenders. The bill would permit a court to order a child who is not indigent to serve community service instead of, or in addition to, a financial sanction. The bill also authorizes community service as punishment for minor misdemeanors, for which fines are the only available sanction under current law. Upon an offender’s failure to pay a financial sanction, community service may be ordered.

Collection of financial sanctions are facilitated by the bill. The bill grants courts the ability to enter into collection contracts with private or public entities, permits payment by installment, and permits the charging of processing fees to offenders.

*Fiscal Impact.* As stated above, LBO believes that financial sanctions are not frequently imposed upon felons, but are more frequently imposed upon misdemeanor offenders, especially minor misdemeanor traffic offenders. The provisions of the bill will likely result in minimal increases in fine revenue for most counties affected by the bill.

## ***DEFINITIONS AND MISCELLANEOUS PROVISIONS***

The bill makes several changes to existing law to streamline existing procedures, clarify definitions, and remove archaic language. The majority of these changes have little, if any significant fiscal effect, and only highlights of these provisions will be discussed in this analysis.

*Community Dispositions.* The term “probation” is changed to “community control” in the juvenile code. The bill allows minor misdemeanor juveniles to serve up to 30 days’ community service, where no such provision exists under current law. The bill limits the duration of community service for second-, third-, and fourth-degree misdemeanants to 200 hours, and retains the existing community service cap for first-degree misdemeanants at 500 hours. These provisions are determined to have little substantive fiscal effect.

*Definition of Unruly Juveniles.* The bill redefines offenses by which a juvenile can be classified as “unruly.” Existing law allows, and the bill retains, the following juveniles to be defined as “unruly”:

- Habitually disobedient juveniles;
- Truant juveniles;
- Juveniles engaging in endangering conduct;
- Status offenders.

The bill removes three types of conduct that constitute unruliness in existing law:

- Attempting to marry;
- Being in a disreputable place or with disreputable people;
- Engaging in an illegal occupation or immoral situation.

Violations of these latter three prohibitions are reasonably rare under current law, and these actions are believed to be covered under existing offenses (i.e., prostitution, falsification, etc.). Repeal of these prohibitions would likely result in negligible savings to juvenile courts.

*Definition of Delinquent Juveniles.* Existing law states that a delinquent juvenile includes:

- One who violates Ohio or U.S. law, or any ordinance or regulation of a political subdivision of the state, that would be a crime if committed by an adult, except as provided in the definition of “juvenile traffic offender”;
- One who violates any lawful order of the court made under the juvenile code;
- One under age 18 who violates prohibitions against purchasing or attempting to purchase a firearm found in O.R.C 2923.211 (A);
- One under age 18 who violates O.R.C. 3730.07(A)(1) or (2) by obtaining a tattooing service, body piercing service, ear piercing service, or giving false information in order to gain these services.

The bill repeals the third part of the definition concerning tattooing and body piercing. By repealing this portion of existing law, it is likely that counties and municipalities would experience negligible decreases in expenditures for enforcement, adjudication, and sanctioning.

### ***SUMMARY OF FISCAL EFFECTS***

The state and local fiscal effects of the major provisions of the bill are summarized as shown below.

#### ***State Fiscal Effects***

- LBO believes that DYS' average daily population will increase by between 292 and 400 offenders under the bill, and believes that this will translate to a need for between 189 and 240 additional beds. Annual debt service payments will range between \$2.5 and \$3.6 million, for a total capital payment of between \$43 and \$63 million over 15 to 20 years. Our best estimate, which essentially splits the difference, is that there would likely be about 350 additional offenders requiring an additional 200 beds, for annual debt service payments of around \$3 million, for a total capital payment of around \$52 million over 15 to 20 years.
- DYS would receive between \$10.6 million and \$14.6 million annually from counties under the RECLAIM formula to house additional offenders. LBO's best estimate is that this number is likely to be around \$12.7 million, subject to several mitigating factors.
- DYS would incur around 25 % of the RECLAIM per diem cost for administration of new offenders who would generally otherwise go to DRC. These additional expenditures would range between \$3.5 and \$4.9 million annually, with LBO's best estimate being that the amount would be around \$4.2 million annually.
- DRC may experience decreases in expenditures, between \$1.2 and \$1.6 million, as some offenders are diverted to DYS under blended sentencing, rather than being bound over to criminal court and ultimately landing in DRC. LBO's best estimate is that these savings will be around \$1.4 million annually.
- By applying the Ohio Sex Offender Registration Law to juvenile offenders, the size of the sex offender registry currently maintained by the Office of the Attorney General would increase appreciably and add close to \$100,000 in annual operating costs. If start-up expenses parallel those incurred for the existing registration system for adult sex offenders, then the Office of the Attorney General will need to cover up to \$70,000 in one-time expenses to get the juvenile component of the sex registry up-and-running.
- The Department of Youth Services will take on a role in collecting and disseminating information on juvenile sex offenders it releases from custody. The annual cost of those tasks is likely to be minimal, which means less than \$100,000 annually.

- There will be at most a negligible annual gain in locally collected state court costs that are generated for the GRF and the Crime Victim Reparations Fund, due to juvenile being subject to sex offender registration requirements, and the expectation that some offenders will fail to register and be charged with a crime.
- The State Public Defender's Office would incur up to \$170,000 in GRF expenditures annually for reimbursement of defense counsel fees to counties.

### *Local Fiscal Effects*

- Annually, counties would be charged between \$10.6 million and \$14.6 million by DYS for the care and custody of between 292 and 400 offenders annually, under the RECLAIM formula. LBO's best estimate is that this number is likely to be around \$12.7 million annually.
- County juvenile courts will likely experience increases in expenditures associated with conducting jury trials for serious youthful offenders subject to blended sentencing. LBO estimates that these trials will be around 100 annually, and that the cost of each trial will be a few thousand dollars. The statewide effect is likely to be approximately \$485,000, with the State Public Defender reimbursing up to \$170,000 of that amount for defense counsel fees. LBO is unable to generalize capital and prosecution costs associated with this provision, as the ability of juvenile courts to conduct jury trials is expected to vary by jurisdiction.
- Permissive language in the bill allows counties to directly sentence juvenile misdemeanants to detention facilities for a specified length of time. LBO believes that many counties are already doing this, under the practice of sending offenders to detention facilities for mental health evaluations. LBO further expects that, as is the case now, counties will make decisions to sentence based on their available facilities. However, if beds were to be built to address this provision of the bill, the costs could be in the millions annually, with a capital outlay of \$20.1 million (with debt service payments at \$2 million annually), and annual operating costs between \$5.5 million and \$7.5 million.
- County sheriff's departments will experience increases in personnel costs, likely in the thousands of dollars in more populous jurisdictions, for administering provisions of the Ohio Sex Offender Registration Act that would apply to juveniles under the bill. Juvenile courts may experience some minimal increases in expenditures associated with sanctioning juveniles who fail to register.
- Counties may experience some minimal increases in expenditures associated with prosecution and sanctioning of truant juveniles and their parents. Counties would likely experience some minimal increases in fine revenue under the provisions of the bill.

- Counties will likely experience some savings, potentially in the thousands of dollars in some jurisdictions, by allowing juvenile traffic offender cases to be processed without court appearances.
- Fine structure refinements may result in minimal increases in fine revenue to counties.

□ *LBO staff: Laura Bickle, Budget/Policy Analyst  
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