

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: Sub. S.B. 181 DATE: January 11, 2000
STATUS: As Passed by the Senate SPONSOR: Sen. Spada
LOCAL IMPACT STATEMENT REQUIRED: Yes
CONTENTS: Makes various changes to juvenile law, including penalty enhancements for truancy and expanded DNA specimen collection

State Fiscal Highlights

STATE FUND	FY 2000*	FY 2001	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	Negligible gain	Negligible gain
Expenditures	- 0 -	Increase, around \$1.48 million or more	Increase, around \$1.23 million or more
Crime Victim Reparations Fund (Fund 402)			
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.

- BCII will incur some increases in personnel and equipment expenditures due to DNA specimens being required of more offenders than is currently the case. According to a representative of the Attorney General's Office, these increases are likely to include \$254,000 in one-time equipment costs, in addition to annual operating expenditures of \$1.23 million.
- DYS and DRC would incur at most minimal annual expenditure increases in order to cover personnel costs associated with harvesting additional DNA specimens.
- The State Public Defender's Office could incur additional GRF expenditures, potentially in the tens of thousands of dollars due to additional delinquency cases generated by the truancy provisions of the bill.
- 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

LOCAL GOVERNMENT	FY 2000	FY 2001	FUTURE YEARS
Counties			
Revenues	Negligible gain	Negligible gain	Negligible gain
Expenditures	Increase, at most \$200,000 statewide, plus additional increases in the tens of thousands of dollars per county	Increase, at most \$400,000 statewide, plus additional increases in the tens of thousands of dollars per county	Increase, at most \$400,000 statewide, plus additional increases in the tens of thousands of dollars per county
Municipalities with Jails			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Increase, potentially in the thousands or tens of thousands of dollars per municipality	Increase, potentially in the thousands or tens of thousands of dollars per municipality	Increase, potentially in the thousands or tens of thousands of dollars per municipality

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.

- As a result of the bill's DNA specimen collection provisions, counties would need to hire between one and two additional staff to collect additional specimens. LBO expects that this will increase expenditures in the thousands of dollars annually for each county. Municipal jails are also anticipated to incur similar increases.
- Statewide costs to county juvenile courts to provide notice to schools of certain offenses are expected to be at most \$400,000 annually.
- The truancy and parental responsibility provisions of the bill will likely result in increases in expenditures, potentially in the thousands or tens of thousands of dollars per county. Under the bill, more truant juveniles would be charged delinquent than is currently the case, increasing prosecution, indigent defense, adjudication, and sanctioning costs. Parents or guardians may be found in contempt of court on an infrequent basis, minimally increasing expenditures for prosecution, adjudication, and sanctioning in these cases.
- Counties may experience minimal increases in expenditures associated with making juvenile records available to various interested parties and storing these records.
- Counties will likely experience negligible annual gains in fine revenue from the truancy and parental responsibility provisions of the bill.

Detailed Fiscal Analysis

INTRODUCTION & 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.

TRUANCY & PARENTAL RESPONSIBILITY

Current Law. Existing law provides a series of remedies for truancy. Under section 3321.19 of the Revised Code, 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 school, the board may require the parent or guardian to attend an educational program. Section 3313.663 of the Revised Code permits a board of education to create these education programs and to adopt policies to require parents or guardians to attend these programs.

Under section 3321.38 of the Revised Code, 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 (section 3321.04 of the Revised Code). Violators of section 3321.38 of the Revised Code are to be fined not less than \$5 or 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 (section 2929.24 of the Revised Code). Juveniles in some cases may also be charged as unruly by being habitually or chronically truant. Under current law, truant juveniles can be adjudicated as unruly, and a juvenile can be sent to a detention center after violating a court

order to attend school. If a juvenile violates a court order, LBO assumes that a juvenile could, in rare cases, then be adjudicated delinquent.

Provisions of the Bill. The bill adds several definitions to truancy law, including definitions for habitual truants and chronic truants. Under the bill, a *habitual truant* has one or more of the following series of unexcused absences:

- 5 or more in 1 school week;
- 7 or more in 1 school month; or
- 12 or more in 1 school year.

A juvenile who is *chronically truant* has one or more of the following series of unexcused absences:

- 7 or more consecutive school days;
- 10 or more in 1 school month; or
- 15 or more in 1 school year.

Under the bill, a child who appears before juvenile court on a charge of habitual truancy and who previously has been adjudicated as a habitual truant may be charged as a delinquent. A juvenile found to be chronically truant is also subject to delinquency proceedings.

The bill makes several changes in definitions of delinquent and unruly children. Under existing section 2151.02 of the Revised Code, a delinquent child includes the following:

1. A juvenile who violates any Ohio or U.S. law, or any ordinance or regulation that would be a crime if committed by an adult, except if the juvenile is a traffic offender;
2. A juvenile who violates any lawful order of a court;
3. A juvenile who purchases or attempts to purchase a firearm illegally; or
4. A juvenile who illegally obtains or attempts to obtain tattooing, body piercing, or ear piercing services.

The bill expands this definition to include:

5. A juvenile who is a habitual truant, and who previously has been adjudicated an unruly child for being a habitual truant; and
6. A juvenile who is a chronic truant.

Existing section 2151.022 of the Revised Code states that an unruly child includes the following:

1. A juvenile who does not subject him/herself to the reasonable control of parents, teachers, guardians, or custodians, by reason of being wayward or habitually disobedient;
2. A juvenile who is a habitual truant from home or school;

3. A juvenile who so deports him/herself so as to injure or endanger the juvenile's own health or morals or those of others;
4. A juvenile who attempts to enter into marriage without consent of parents, custodian, legal guardian, or other legal authority;
5. A juvenile found in a disreputable place, visits or patronizes a place prohibited by law, or associates with vagrant, vicious, criminal, notorious, or immoral persons;
6. A juvenile who engages in a prohibited occupation or is in a situation dangerous or injurious to the juvenile's health or morals, or to those of others; and
7. A child who violates a law, other than purchasing or attempting to purchase a firearm, that is applicable only to juveniles.

The bill expands the second category to include a juvenile who is persistently truant from home, and then adds a category for a juvenile who is a habitual truant from school and who has not been previously adjudicated as an unruly child for being a habitual truant.

The bill facilitates filing of truancy charges jointly against juveniles and parents. In a case in which a juvenile is alleged to be habitually or chronically truant, and that a parent or guardian failed to cause the juvenile's attendance, the court must order the parent or guardian to appear at the hearing.

If the court finds that the parent or guardian failed to cause the juvenile to attend school, the court must hold a separate hearing to determine what sanctions are appropriate for the parent or guardian. The parent or guardian may be sentenced to community service if: (1) the juvenile is determined to be unruly through habitual truancy; (2) the juvenile is determined to be delinquent through chronic truancy; or (3) the juvenile is determined to be a second-time habitual truant. Criminal nonsupport charges may be filed against these parents if further incidents occur.

The bill also requires parents or guardians to attend court hearings regarding delinquents, unrulies, or juvenile traffic offenders. If the parent or guardian of the juvenile fails to attend, the parent or guardian may be charged with contempt of court. Courts would be required to hold additional hearings for these offenders.

The penalties for contempt of court are as follows:

- For a first offense, a fine not to exceed \$250, and/or a definite term of imprisonment not to exceed 30 days in jail;
- For a second offense, a fine not to exceed \$500, and/or a definite term of imprisonment not to exceed 60 days in jail;
- For a third or subsequent offense, a fine not to exceed \$1,000, and/or a definite term of imprisonment not to exceed 90 days in jail.

LBO believes that parents or guardians frequently attend court hearings regarding their children under current law. The bill may generate some additional contempt cases, especially in larger jurisdictions. However, we expect increases in expenditures to generally be minimal in most jurisdictions.

Prevalence of Truancy and Fiscal Effects. 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 likely do 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 existing law and 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. The bill permits persons other than school employees to bring truant juveniles and their parents to the attention of the court. By broadening the base of individuals who could report such activity, the bill will likely result in increased numbers of juveniles being found unruly or delinquent than is currently the case.

Some jurisdictions may experience more substantial increases in expenditures stemming from the provisions of the bill. 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 of between \$5 and \$20, or up to six months in jail or a fine of up to \$1,000 as first-degree misdemeanants. Discussions with the Franklin County Juvenile Court indicate that parents of truant juveniles are rarely charged with an offense; however, greater efforts are being made to charge these parents and bring them to court.

LBO assumes that counties with higher caseloads would likely experience increases in expenditures associated with increased sanctioning costs for truant juveniles. However, LBO believes that school boards are generally reticent to bring charges and would prefer to work with parents for resolution, but the volume of cases reported to LBO by the Department of Education and the Franklin County Juvenile Court suggests that the bill may increase sanctioning costs in a substantial number of cases. LBO believes that truant juveniles are generally declared unruly as status offenders, and may be held in detention centers for up to 24 hours. LBO assumes that, by clarifying that this offense is a delinquency offense under the provisions of the bill, that counties may incur greater expenditures associated with sanctioning these juveniles more harshly than they otherwise may be able to do under current circumstances. LBO expects that these expenditures could extend into the thousands of dollars, depending on: caseload volume of the jurisdiction in question; willingness of schools to bring these cases to the attention of the court; and willingness of the court to seek alternative sanctions.

Additional public defender costs are likely to occur in these cases, as new criminal cases are likely to be generated. According to the 1997 Public Defender Annual Report, the average cost per juvenile case is \$347. Depending on caseload, these increases could be in the tens of thousands of dollars annually statewide. However, some of these increases are expected to be offset by the State Public Defender at a rate of up to 50 percent. The total increase in expenditures to the State Public Defender could be up to one-half of the total amount expended by counties, potentially in the tens of thousands of dollars. These expenses are expected to be incurred in the following GRF line items: 019-

403 Multi-County Public Defense – State Share; 019-404 Trumbull County – State Share; and 019-501 County Reimbursement – Non-Capital Cases.

Under the bill, more populous jurisdictions may experience larger increases in net expenditures, perhaps in the thousands of dollars, associated with adjudicating and sanctioning these juveniles. LBO assumes that the per diem cost of housing a juvenile offender in a detention center to be approximately \$100 per day, and it is likely that these costs could add up quickly in many jurisdictions.

NOTICE TO SCHOOLS

Current Law. Under current law, within ten days of a juvenile’s delinquency adjudication, the court must provide notice to the superintendent of a school system if the juvenile is at least 16 years old at the time of the offense, and the offense meets one of the following characteristics:

- The offense involves illegal conveyance or possession of a deadly weapon or dangerous ordinance on school premises;
- The offense involves carrying a concealed weapon committed on school premises;
- The offense was a drug trafficking or drug possession violation committed on school premises that is not a minor drug possession offense;
- The offense is one of the following, committed on school premises, if the victim is a school employee: aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, aggravated assault, felonious assault, rape, or gross sexual imposition; or
- Complicity in any of the above.

Provisions of the Bill. Under the provisions of the bill, within ten days of a juvenile’s delinquency adjudication, the court must provide notice to both the superintendent of the school system and to the principal of the juvenile’s school if the juvenile is at least 14 years old at the time of the offense, and the offense meets one of the following characteristics:

- The offense was a felony;
- The offense was an act of violence;
- The offender used or brandished a firearm;
- The offense was a misdemeanor sex offense (including corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, soliciting, and prostitution);
- The offense was a misdemeanor for carrying a concealed weapon on school grounds;
- The offense was a misdemeanor for trafficking or possessing drugs on school grounds;
or
- Complicity in committing any of the above.

Clearly, the provisions of the bill greatly expand the notification requirements in existing law. LBO believes that a large number of offenses would qualify for these notification provisions. According to 1995 Uniform Crime Report (UCR) data, the last year for which Ohio juvenile arrests were readily available to LBO for disaggregating, there was a grand total of 115,050 arrests of juveniles for the Part I and Part II arrests. The 1995 UCR arrest data include a mix of felonies and misdemeanors, as shown in Table 1 below.

Caveat. The bill would only apply to adjudications, and not arrests, so it is likely that the numbers described below represent an overcount of the number of actual notices that would need to be generated. In 1995, the Ohio Courts Summary reported 90,188 new delinquency cases filed in juvenile courts statewide. For that same year, UCR data shows 115,050 total arrests. Based on this data, we then estimate that 78 percent of all juvenile delinquency arrests result in court filings ($90,188 \div 115,050 = 0.784$). Beyond this, LBO assumes that juvenile court filings have a high successful prosecution rate, and that the vast majority of juvenile court filings will result in conviction. However, the numbers presented below are likely to represent a slight overcount that includes those offenders found not guilty by the court.

We also assume that these numbers represent an overcount, due to the fact that current law allows for some notifications to occur to superintendents of school districts when certain offenses occur on school premises. According to the Bureau of Justice Statistics, in 1995, about 14 percent of incidents of violent crime on a national basis occur at school. Therefore, LBO reduced the number of incidents subject to the bill's notification provisions by 14 percent, to arrive at a closer estimate of local cost.

Table 1: 1995 UCR Data for Arrests of Ohio Juveniles

Offense	Number of Reported Cases	Approximate Penalty Equivalent	<i>LBO case estimate</i>		
			Low estimate	High estimate	Best estimate
Murder	97	Felony	97	97	97
Rape	320	Felony	320	320	320
Robbery	1,814	Felony	1,814	1,814	1,814
Aggravated Assault	2,268	Felony	2,268	2,268	2,268
Burglary	4,602	Felony	4,602	4,602	4,602
Larceny*	16,331	Felony & Misdemeanor	0	16,331	3,103
Motor Vehicle Thefts	3,004	Felony	3,004	3,004	3,004
Arson	524	Generally felony	524	524	524
Other assaults	9,628	Generally felony	9,628	9,628	9,628
Forgery and counterfeiting*	245	Felony & Misdemeanor	0	245	47
Fraud*	96	Felony & Misdemeanor	0	96	17
Embezzlements*	12	Felony & Misdemeanor	0	12	2
Having stolen property**	3,060	Felony & Misdemeanor	0	3,060	2,662
Vandalism	4,631	Felony	4,631	4,631	4,631
Weapons***	1,726	Felony & Misdemeanor	0	1,726	1,001
Prostitution/Vice	45	Generally misdemeanor	45	45	45

Sex offenses	541	Generally felony	541	541	541
Drug abuse+	6,541	Felony & Misdemeanor	0	6,541	4,710
Drug possession+	4,782	Felony & Misdemeanor	0	4,782	3,443
Gambling	117	Misdemeanor	0	0	0
Offenses against family++	3,788	Felony & Misdemeanor	3,788	3,788	3,788
DUI	586	Generally misdemeanor	0	0	0
Liquor law violations	5,661	Misdemeanor	0	0	0
Drunkenness	586	Misdemeanor	0	0	0
Disorderly conduct	6,193	Misdemeanor	0	0	0
Vagrancy	70	Misdemeanor	0	0	0
All other except traffic +++	25,000	Felony & Misdemeanor	0	25,000	12,500
Suspicion	142	Felony & Misdemeanor	0	142	0
Curfew	9,750	Misdemeanor	0	0	0
Runaway	7,612	Misdemeanor	0	0	0
Total Arrests:	115,050		27,474	89,197	58,747
Total Likely Court Filings: #	89,739		21,430	69,574	45,823

*In Franklin County in 1997, there were 773 felony theft cases and 3,254 misdemeanor thefts, for a total of 4,027.

If we then assume that this proportion applies to juvenile theft and fraud offenses, then approximately 19% of all thefts and frauds are felonies.

**In Franklin County in 1997, there were 1,274 felony receipts of stolen property and 187 misdemeanor charges, for a total of 1,461. If we apply the same logic, then 87% of receipts of stolen property should be felonies.

***In Franklin County in 1997, there were 424 felony charges of carrying concealed weapons and 304 misdemeanor charges, for a total of 728. Therefore, 58% of these offenses are estimated to be felonies.

+ In Franklin county in 1997, there were 2,922 felony drug abuse charges and 1,123 misdemeanor charges, for a total of 4,045 drug abuse charges. Therefore, 72% of drug abuse charges should be felonies.

++ Includes domestic violence.

+++ LBO decided to split this miscellaneous category by 50% for the final estimate.

Based on 78% court filing rate.

Low Estimate of Affected Cases. LBO's low estimate of affected cases only includes those available offense categories that are *entirely* comprised of felonies. The low estimate, which likely represents a gross undercount of affected cases because it excludes many felonies and misdemeanors, is approximately 21,430 cases annually statewide.

High Estimate of Affected Cases. LBO's high estimate of affected cases includes those available offense categories that include *any* felony offenders. This count likely represents a gross overestimation of the number of cases addressed by the bill, because it includes many misdemeanor arrests not covered by the bill. The high estimate is approximately 69,574 cases annually statewide.

LBO's Best Estimate. LBO's best estimate attempts to take into account the proportion of offenses in each category, which are likely to be felonies and misdemeanors. LBO has reviewed the 1997 Franklin County Municipal Court report, which shows breakdowns of the numbers of felonies and misdemeanors for theft, receipt of stolen property, concealed weapons, and drug abuse. LBO then

applied these proportions to the UCR offense categories, providing us with a more likely estimate of around 46,000 cases that would fall under the notification provisions of the bill annually statewide.

Cost for Processing Notifications. In 1993, the Ohio Criminal Sentencing Commission estimated the cost of notifications from courts to eligible victims under the adult court system. At that time, they estimated the cost of one notification to be \$2.50, which included staff and postage costs. LBO adjusted this figure to reflect inflation using a GDF deflator, and determined that the cost of one notification in 1999 dollars would be \$4.62. LBO would like to emphasize that the \$4.62 estimate used in this analysis is a rough estimate, and that the actual cost of providing notification will vary from jurisdiction to jurisdiction. This estimate also assumes that one notification letter will be sent per offender independently of all others. In practice, courts may consolidate these notices in weekly reports, or may accomplish these notifications in other, less costly manners.

If we assume that 46,000 cases would fall under the notification provisions of the bill, then we might estimate a statewide notification cost of around \$212,520 ($46,000 \times \$4.62 = \$212,520$). However, as stated above, existing law allows for notification to superintendents of school districts of certain crimes. If we assume that 14 percent of these cases already require notification of superintendents, then we arrive at an estimate of around \$183,000 ($46,000 \times 0.14 = 6,440$ and $46,000 - 6,440 = 39,560$, so $39,560 \times \$4.62 = \$182,767$).

The bill requires notification of district superintendents *and* principals of the school in which the offender is enrolled (for the purpose of this analysis, we assume that all offenders are enrolled in school). Therefore, two notifications are required. First, we assume an additional notification to principals for cases in which superintendents are currently notified, at a cost of around \$30,000 ($6,440$ current notifications \times $\$4.62 = \$29,752$). Then, we must assume two notifications for the principals and superintendents of juveniles who are currently not subject to notification requirements, at a cost of around \$366,000 ($\$182,767$ for the cost of one notice per offender \times $2 = \$365,534$). If we add these two figures together, the maximum statewide cost for these notifications would be around \$396,000.

LBO would like to emphasize that the estimate of up to \$396,000 in expenditures is a maximum potential expenditure for courts, based on the following assumptions:

- We assume that all offenders charged will be convicted;
- We assume that all offenders are enrolled in school; and
- We assume that each notice will be processed and sent separately to principals and superintendents by U.S. mail.

LBO believes that costs associated with this provision may be partially mitigated by mass mailings, by mailing weekly lists to affected school districts, and by the possibility of using existing personnel.

VICTIM'S ACCESS TO RECORDS

Existing Law. Current law allows a victim, or a member of the victim's family, to have access to a juvenile's record if the names are stated in the file as being the victim or the victim's family member. This access is limited to only those parties that are named in the case.

Provisions of the Bill. The bill enacts a new provision specifying that a person who is identified as the victim of a delinquent act, or a member of the victim's family, may inspect all arrest and custody records pertaining to the delinquent act. This means all general court records, including, but not limited to, complaints, journal entries, and hearing summaries that pertain to the delinquent act.

LBO assumes this provision will minimally impact the county clerks of courts and prosecutor offices by creating an increased workload for the administrative staff to permit victim access to these juvenile records. Most courts are currently set up to deal with public requests and record inquires. In addition, under current law, a judge needs to sign a release of information for those parties not specifically named in the case; under the provisions of the bill, this step would no longer be necessary for the victim or their family member to get access to the record.

LAW ENFORCEMENT INSPECTION OF RECORDS

Existing Law. Current law specifies that, two years after the termination of any order made by a juvenile court or two years after the unconditional discharge of a person from the Department of Youth Services (DYS) or another institution, the court that issued the order must do one of the following: (1) if the person was adjudicated an unruly child, order their record to be sealed, or (2) if the person was adjudicated a delinquent child or a juvenile traffic offender, either order the record of the person sealed or send the person notice of their right to have the record sealed. To "seal a record" means to remove a record from the main file of similar records and to secure it in a separate file that contains only sealed records and that is accessible only to the juvenile court.

The inspection of sealed records, under existing law, is only permitted by the court upon the application by the person who is the subject of the sealed record.

Provisions of the Bill. Under the bill, in addition to inspection by the persons named in the record, if the records in question pertain to an act that would be a felony offense of violence if committed by an adult, any law enforcement officer or any prosecutor may inspect the records that have been ordered sealed for any valid law enforcement or prosecutorial purpose.

Currently, the Bureau of Criminal Identification and Investigation (BCII) and local courts have either electronic or copied access to juvenile sealed records. LBO assumes the bill will result in additional minimal expenditures for BCII and local courts due to the administrative burdens of law enforcement inspection of specific sealed records.

RECORDS MISCELLANY

Current Law. Existing law requires juvenile courts to maintain detailed records of cases heard in juvenile courts. Each week, every juvenile court must report to BCII a summary of felony adjudications. Clerks of courts are further required to compile annual reports including the following:

number of complaints, offenses of violence, certain victim information, complaints resulting in commitments to DYS or to other youth facilities, and those complaints transferred to adult court for criminal prosecution (bindovers).

Provisions of the Bill. Juvenile courts are required, under the bill, to keep certain statistics. As juvenile courts are currently collecting and reporting information on dispositions, and bindovers, LBO assumes that reporting mechanisms are currently in place that would allow this, and that collection and reporting of this data would likely result in minimal cost to county juvenile courts.

The bill also requires juvenile courts to maintain arrest and custody records, complaints, journal entries, and hearing summaries. Juvenile courts are also required to keep arrest and custody records at least 3 years beyond the case's final disposition. LBO believes that most juvenile courts are currently in compliance with this provision. Those that are not in compliance could incur some minimal expenses for storage of these records.

DNA SPECIMEN COLLECTION

Current Law. Under existing law, a juvenile offender who is adjudicated delinquent for committing any of the following acts and who is committed to DYS or other facility for delinquent children must submit to a DNA specimen collection procedure. The same applies to adults who are committed to DRC or to county or municipal jails.

- Aggravated murder, murder, kidnapping, rape, sexual battery, corruption of a minor, gross sexual imposition, aggravated burglary, or felonious sexual penetration;
- An attempt to commit rape, sexual battery, corruption of a minor, gross sexual imposition, or felonious sexual penetration;
- Violation of any law that arose out of the same circumstances and same act as did a charge against the offender of committing aggravated murder, murder, kidnapping, rape, sexual battery, corruption of a minor, gross sexual imposition, felonious sexual penetration, or aggravated robbery that was dismissed or amended;
- Abduction or interference with custody (child stealing).

Under existing law, it is the responsibility of the facility that receives the offender to perform the DNA specimen collection using a kit obtained from the Bureau of Criminal Identification and Investigation (BCII), and to forward the information to BCII not later than 15 days after the collection date.

Provisions of the Bill. The bill expands the list of offenses that would trigger DNA specimen collection for both juveniles and adults to include the following:

- Voluntary manslaughter, felonious assault, abduction, extortion, aggravated arson, arson, aggravated robbery, robbery, and burglary;
- Violations of any law arising from the same circumstances as did the charge against the offender from committing any of those offenses that previously was dismissed or amended.

Number of Cases. The DNA specimen collection provisions of the bill could potentially affect a large number of cases, because it applies to both adult and juvenile offenders. Tables 7 and 8 that follow show, for juveniles and adults, respectively, known commitments, adjudications, and arrests for the above offenses for the most current available years.

There are several limitations to this data:

- Commitments to DYS and DRC represent incomplete data because many of the offenders covered by the bill will not be sentenced to DYS or DRC institutions. Many, especially the majority of the misdemeanor assault offenders affected by this bill, will end up in county detention facilities or jails. Commitment data excludes these misdemeanor and low-level felony offenders. Using commitment data to base our estimate of the additional number of DNA specimens that would be collected under the bill would result in a significant undercount.
- Adjudication data for juveniles shows the number of juveniles adjudicated delinquent for committing felony offenses. This estimate is superior to the commitment data, because it captures lower-level fourth- and fifth-degree felony offenders that would not be committed to DYS. This data still does not provide us with a complete picture because it does not include qualifying misdemeanor offenses, such as assault.
- Statewide adjudication data was unavailable for adults. LBO used charge data from the Franklin County Municipal Court Report, and generalized these charges statewide. According to U.S. Census data, Franklin County represents approximately nine percent of the total state population, and essentially divided the Franklin County numbers by .09 to arrive at our estimates. Of course, this assumes that Franklin County charging practices are the same statewide. According to data collected by the Office of Criminal Justice Services, we were able to estimate that approximately 70 percent of charges filed result in convictions, and we multiplied the estimated grand total offenses by 70 percent to arrive at a rough conviction rate.
- Arrest data is presented for Calendar Year 1995, the last year for which disaggregated data was readily available. There are two problems inherent in using this arrest data: (1) the arrest data does not include many offense categories that are included in the bill, and is therefore incomplete; and (2) the bill would only apply to convicted offenders, and the arrest data clearly represents an overcount of affected offenders in the categories that are available.

Based on this data, LBO assumes that about 12,000 offenders would be affected annually by the bill's DNA specimen collection provisions (which roughly equals juvenile adjudications plus our estimate of adult convictions from adult charges filed).

Table 2: DNA Specimen Collection for Juveniles			
<i>Offense</i>	<i>DYS FY 99 Commitments</i>	<i>FY 1998 Adjudications*</i>	<i>CY 1995 Arrests**</i>
Felonious assault	97	368	-
Attempted felonious assault	12	-	-
Abduction	-	9	-
Extortion	-	9	-
Arson	-	151	524
Aggravated arson	-	53	-
Robbery	118	396	1,814
Aggravated robbery	58	145	-
Burglary	323	1,708	4,602
Attempted burglary	25	-	-
Total:	633	2,839	6,940

*Includes felony adjudications only.

**Includes misdemeanor and felony offenses. Assault category includes simple and other assaults, excluding aggravated assault.

Table 3: DNA Specimen Collection for Adults			
<i>Offense</i>	<i>DRC CY 97 Commitments</i>	<i>CY 1998 Charges Filed*</i>	<i>CY 1995 Arrests**</i>
Felonious assault	619	4,800	-
Attempted felonious assault	159	-	-
Abduction	41	233	-
Attempted Abduction	18	-	-
Extortion	5	11	-
Attempted Extortion	1	-	-
Arson	63	278	537
Attempted aggravated arson	42	-	-
Aggravated arson	27	422	-
Robbery	478	2,678	3,861
Attempted robbery	450	-	-
Aggravated robbery	522	1,878	-
Attempted aggravated robbery	48	-	-
Burglary (including attempts)	1,189	3,188	7,246
Attempted burglary	-	-	-
Total:	3,662	13,488	11,644
Assuming 70% conviction rate:		9,442	

*Statewide estimate of charges filed, based on Franklin County Municipal Court data.

**Includes misdemeanor and felony offenses. Assault category includes simple and other assaults, excluding aggravated assault.

Effects on Local Government. The bill would require a DNA sample to be taken during intake procedures at DRC institutions, DYS facilities, county and municipal jails, and county juvenile

detention facilities. Counties and municipalities would incur some increases in expenditures associated with taking these DNA samples and forwarding this information to BCII. Under current law and practice, BCII provides DNA kits, as well as postage to return the kits to BCII. As these are blood tests, medical professionals must conduct them. Discussions with the Buckeye Sheriffs' Association lead us to believe that the DNA provisions of the bill would create pressure to increase personnel expenditures in the thousands of dollars annually.

Many misdemeanor assault offenders currently do not spend time in jail upon conviction, and would not be included in the formal intake process during which specimens would ordinarily be taken. Additional administrative expenditures are also likely to arise through finding a way to recall these offenders to the court or to a detention facility to take these specimens.

Effects on BCII. Currently, BCII provides DNA specimen kits to DRC, DYS, and local jails and detention facilities. The Attorney General's Office has informed LBO that they currently receive approximately 2,500 samples annually, for the offenses included in existing law.

An additional 12,000 specimens would represent an increase in operating expenditures to BCII. Assuming that BCII would be required to process approximately 12,000 additional DNA specimens annually, the Attorney General's Office estimates that BCII would incur \$254,000 in one-time equipment costs, and \$1.23 million annually for DNA kits, an additional 10 staff, and other supplies.

Effects on DYS and DRC. Under current law, both of these two state institutional departments are already required to collect and ship DNA specimens for certain offenders under their custody. The bill substantially expands the number of offenders from whom both departments will have to collect and ship DNA specimens. Since both departments presumably have procedures in place to collect and ship DNA specimens, the additional annual burden placed on DYS and DRC should be minimal at most.

SUMMARY OF STATE & LOCAL FISCAL EFFECTS

Below, we have summarized our estimate of the fiscal effects of the major provisions of the bill on units of state and local government.

Summary of State Fiscal Effects

- BCII will incur some increases in personnel and equipment expenditures due to DNA specimens being required of more offenders than is currently the case. According to a representative of the Attorney General's Office, these increases are likely to include \$254,000 in one-time equipment costs, in addition to annual operating expenditures of \$1.23 million.
- The State Public Defender will likely incur increases in expenditures, potentially in the tens of thousands of dollars, associated with public defense of additional delinquency cases involving truant juveniles.
- DYS and DRC are likely to incur increases in expenditures, likely in the thousands of dollars, in order to cover personnel costs associated with harvesting additional DNA specimens.

- BCII may incur some additional minimal administrative expenditures associated with making sealed records available to law enforcement.
- 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 through the parental responsibility and truancy provisions of the bill.

Summary of Local Fiscal Effects

- Under the DNA specimen collection provisions of the bill, each county would need to hire between one and two additional staff to collect additional specimens. LBO expects that this will increase expenditures in the thousands of dollars annually for each county. Municipal jails will also experience increases in expenditures due to requiring additional personnel, which will likely represent increases in the tens of thousands of dollars for those entities.
- Statewide costs to county juvenile courts to provide notice to schools of certain offenses are expected to be at most \$400,000 annually.
- The truancy and parental responsibility provisions of the bill will likely result in increases in expenditures, potentially in the thousands or tens of thousands of dollars per county. Under the bill, more truant juveniles would be charged delinquent than is currently the case, increasing prosecution, indigent defense, adjudication, and sanctioning costs. Parents or guardians may be found in contempt of court on an infrequent basis, increasing expenditures for prosecution, indigent defense, adjudication, and sanctioning in these cases.
- Counties may experience minimal increases in expenditures associated with making juvenile records available to various interested parties and storing these records.
- Counties may experience negligible annual gains in fine revenue stemming from the truancy and parental responsibility provisions of the bill.

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