

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Am. H.B. 320** DATE: **April 29, 2008**

STATUS: **As Reported by House Infrastructure, Homeland Security, and Veterans Affairs** SPONSOR: **Rep. Jones**

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

CONTENTS: **Child restraint systems**

State Fiscal Highlights

STATE FUND	FY 2009 – FUTURE YEARS
General Revenue Fund (GRF)	
Revenues	Potential annual gain in locally collected court costs
Expenditures	- 0 -
Child Highway Safety Fund (Fund 4T4)	
Revenues	Potential gain, annual magnitude dependent on number of violations
Expenditures	Potential annual increase, commensurate with potential annual revenue gain
Victims of Crime/Reparations Fund (Fund 402)	
Revenues	Potential annual gain in locally collected court costs
Expenditures	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2009 is July 1, 2008 – June 30, 2009.

- **Court cost revenues.** Violations of the bill's child restraint system requirements creates the potential for the state to gain locally collected court cost revenues that are deposited in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 402). As of this writing, however, the magnitude of that potential revenue gain for either state fund annually is uncertain.
- **Child Highway Safety Fund (Fund 4T4).** Any fines collected pursuant to a violation of the bill's child restraint system requirements would be directed for deposit in the state treasury to the credit of the Department of Health's existing Child Highway Safety Fund (Fund 4T4). As of this writing, LSC fiscal staff is unable to estimate the potential gain in revenues that might accrue to Fund 4T4 annually.



Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008 – FUTURE YEARS
Counties and Municipalities	
Revenues	Potential annual gain in court costs
Expenditures	Potential increase in criminal justice system operating expenses, not likely to exceed minimal annually
Townships	
Revenues	- 0 -
Expenditures	Potential increase in law enforcement operating expenses, not likely to exceed minimal annually

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

- **Criminal justice system expenditures.** If most of the violations are citation-based minor misdemeanors, then, to the degree that the bill's child restraint system requirements create tangible enforcement costs for county, municipal, and township law enforcement agencies and case processing costs for county and municipal criminal justice systems, those operating expenses appear unlikely to exceed minimal annually.

- **Revenues.** For each guilty plea or conviction for a violation of the bill's child restraint system requirements, the county court or municipal court processing the matter would theoretically order the offender to pay court costs. As of this writing, however, the magnitude of that potential revenue gain per year for any affected county or municipality is uncertain.

Detailed Fiscal Analysis

Overview

For the purposes of this fiscal analysis, the bill most notably:

- Requires certain children who are between four and eight years of age to be secured in a booster seat, a violation of which is a "primary traffic offense."
- Increases from "not older than 15" to "less than 18" the age at which a child is required to be restrained by a seat belt if not otherwise required to be secured in a child restraint system, a violation of which is a "secondary traffic offense."
- Classifies a violation of either of the requirements described in the above dot points as a minor misdemeanor on a first offense and a fourth-degree misdemeanor on each subsequent offense.
- Directs, as under current law for the handling of fines for child restraint system violations, that fines collected for violations of the requirements described in the above dot points be deposited in the state treasury to the credit of the Department of Health's existing Child Highway Safety Fund (Fund 4T4).

Certain misdemeanor sentences and fines

Table 1 below outlines the potential sentences and fines associated with the bill's two misdemeanor offenses. These sentences and fines reflect current law generally for an offense classified as a minor misdemeanor or a fourth-degree misdemeanor. Under current law, and retained by the bill, if an offender pleads guilty to, or is convicted of, a first offense (minor misdemeanor) involving a violation of a child restraint system requirement, the court is required to impose a fine of not less than \$25.

Table 1
Sentences and Fines for Certain Misdemeanors Generally

Offense Level	Maximum Fine	Term of Incarceration
Fourth-Degree Misdemeanor	\$250	Possible jail term of not more than 30 days
Minor Misdemeanor	\$150	Citation issued; No arrest

Local fiscal effects

Criminal justice system expenditures

For the purposes of this analysis, LSC fiscal staff assumes that the bulk of the violations that occur subsequent to the bill's enactment will result in a law enforcement officer issuing a citation for the commission of a minor misdemeanor rather than arresting a person for the commission of a fourth-degree misdemeanor. In lieu of making a court appearance on the

citation, a person is permitted to pay the amount of fines and court costs to the office of the clerk of the court in person or by mail. If most of the violations are in fact citation-based minor misdemeanors, then, to the degree that the bill's child restraint system requirements create tangible enforcement costs for county, municipal, and township law enforcement agencies and case processing costs for county and municipal criminal justice systems, those operating expenses appear unlikely to exceed minimal annually.

Court cost revenues

For each guilty plea or conviction for a violation of the bill's child restraint system requirements, the county court or municipal court processing the matter would theoretically order the offender to pay court costs. As of this writing, however, the magnitude of that potential revenue gain per year for any affected county or municipality is uncertain. An additional unknown is the frequency with which courts might waive court costs, or, if imposed, never collect any money, as some offenders will be unwilling and/or financially unable to pay.

State fiscal effects

Child Highway Safety Fund

Current law directs fines collected for violations of the state's existing child restraint system requirements for deposit in the state treasury to the credit of the Department of Health's Child Highway Safety Fund (Fund 4T4) and requires the money in the fund to be used by the Department only to defray the cost of designating hospitals as pediatric trauma centers and to establish and administer a child highway safety program. Any fines collected pursuant to a violation of the bill's requirements would also be directed for deposit in Fund 4T4. As of this writing, LSC fiscal staff is unable to estimate the potential gain in revenues that might accrue to Fund 4T4 annually.

Court cost revenues

As a result of violations of the bill's child restraint system requirements, it is possible that some persons whose conduct would not have been criminal under current state law will be cited and fined. This creates the potential for the state to gain locally collected court cost revenues that are deposited in the state treasury to the credit of the General Revenue Fund (GRF) and the Victims of Crime/Reparations Fund (Fund 402). State court costs for a misdemeanor conviction total \$24, with \$9 of that amount being credited to Fund 402 and the remainder, or \$15, being credited to the GRF. As of this writing, however, the magnitude of that potential revenue gain for either state fund annually is uncertain.

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