

- **Commercial driver's license test requirements.** It does not appear that the bill's English only language requirement will produce a notable effect on the annual operating costs and related revenue collections associated with the Ohio State Highway Patrol's commercial driver's licensing duties and responsibilities.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008 – FUTURE YEARS
Counties	
Revenues	Potential gain, likely to be no more than minimal annually
Expenditures	Factors potentially increasing and decreasing costs, with likely net minimal annual effect
Municipalities	
Revenues	Potential loss, likely to be no more than minimal annually
Expenditures	Potential decrease, likely to be no more than 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.

- **County criminal justice systems.** The bill's penalty changes could trigger factors that simultaneously increase and decrease any affected county criminal justice system's expenditures. The net annual fiscal effect of these contrasting possibilities on any given county criminal justice system's expenditures appears likely to be no more than minimal, as the number of cases in which these factors may come into play will be relatively small. In the matter of court costs and fines assessed against offenders, a county may gain revenues from the possibility of additional as well as enhanced felony convictions. As the number of affected cases in any given jurisdiction is likely to be relatively small, the magnitude of the potential revenue gain will be minimal annually.
- **Municipal criminal justice systems.** The bill may shift certain cases from the misdemeanor subject matter jurisdiction of a municipal criminal justice system to the felony jurisdiction of the court of common pleas. Such an outcome carries the potential to: (1) decrease municipal criminal system expenditures related to investigating, prosecuting, adjudicating, defending (if the offender is indigent), and sanctioning offenders, and (2) decrease municipal revenues in the form of related court costs and fines that would be assessed against such offenders. As the number of affected cases in any given municipal criminal justice system is likely to be relatively small, the magnitude of any expenditure decrease and related revenue loss will be minimal annually.
- **Commercial driver's license test requirements.** The bill's English only language requirement will have no direct fiscal effect on any political subdivisions of the state.

Detailed Fiscal Analysis

Commercial driver's license test requirements

Under current practice, when a person takes a commercial driver's license (CDL) test or examination, that person can choose whether to take the test or examination in either English or Spanish; the Spanish language option has been available since September 25, 2007. Between that date and roughly the middle of December 2007, 9,887 persons took the CDL test. Of that number, 36 took the CDL test in the Spanish language; 6 passed, the remainder failed. The bill prohibits any CDL test or examination from being given in any language other than English.

State fiscal effects

As a result of the bill's English only language requirement, certain persons that might otherwise have taken and passed the relevant CDL tests and examinations, and paid any related fees, may be less likely to do so. The Department of Public Safety's Ohio State Highway Patrol oversees these licensing activities, with any related revenues generally deposited in the state treasury to the credit of the State Highway Safety Fund (Fund 036).

From LSC fiscal staff's perspective, it does not appear that the bill's English only language requirement will produce a notable effect on the annual operating costs and related revenue collections associated with the Ohio State Highway Patrol's commercial driver's licensing duties and responsibilities.

Local fiscal effects

The bill's English only language requirement will have no direct fiscal effect on any political subdivisions of the state.

Penalty enhancement for certain vehicle-related offenses involving the death of another

The bill specifies that the penalty enhancement for aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter for driving under a license suspension and the requirement for a mandatory prison term in certain cases of aggravated vehicular homicide and vehicular homicide for driving under suspension also apply to driving under cancellation and driving without a license. According to the Department of Public Safety, in 2007, there were 48 convictions involving aggravated vehicular homicide, 42 convictions involving vehicular homicide, and 75 convictions involving vehicular manslaughter. The Department was not able to determine the status of the driver's license at the time of the offense.

State fiscal effects

Incarceration costs. It is possible that, as a result of the bill's changes to existing aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter prohibitions and penalties, additional offenders could end up being sentenced to prison or sentenced to prison for a longer stay than might otherwise have been the case under current law.

However, LSC fiscal staff is unable to reliably project either the number of offenders that could be so sentenced annually or the length of the prison terms that a sentencing court might impose. This means that whether the bill's fiscal effect on the Department of Rehabilitation and Correction's (DRC) annual incarceration costs will exceed minimal is uncertain. For the purposes of this fiscal analysis, a minimal increase means an estimated cost of less than \$100,000 per year for the state.

To put that \$100,000 cost threshold in perspective, DRC's average annual incarceration cost per inmate (fixed plus marginal expenses) is, as of May 2008, budgeted at \$25,174. LSC fiscal staff estimates DRC's marginal cost of adding an additional individual to the prison system at between \$3,500 and \$4,000 per year. Thus, depending upon whether one works from the full versus marginal cost figure, it could take as few as four additional individuals being sentenced to a prison term of at least one year (\$25,174 average annual incarceration cost per inmate times four prison-bound offenders), or as many as two dozen or so individuals being sentenced to a prison term of at least one year (\$3,500 to \$4,000 marginal annual incarceration cost per inmate times 25 to 29 prison-bound offenders) to increase DRC's incarceration costs by more than \$100,000 per year.

Court cost revenues. As certain offenders that might otherwise have been convicted of, or pled guilty to, a misdemeanor could be convicted of, or pled guilty to, a felony, the state may gain locally collected court cost revenue for the Victims of Crime/Reparations Fund (Fund 402). This is because the state court cost imposed on an offender and deposited to the credit of Fund 402 is slightly higher for a felony than it is for a misdemeanor: \$30 versus \$9. The amount of money that Fund 402 may gain annually, however, is likely to be negligible at most. For the purposes of this fiscal analysis, in the context of state revenues, negligible means an annual gain estimated at less than \$1,000 per year for the state.

Local fiscal effects

County criminal justice systems. Relative to the felony caseloads processed by county criminal justice systems, the bill's penalty provisions may produce a mix of two different future outcomes: (1) convictions resulting in the imposition of a more serious felony sanction than would have been authorized under current felony sentencing law, and (2) convictions being secured in certain felony cases that might otherwise have been adjudicated as a misdemeanor under the subject matter jurisdiction of a municipal court or a county court.

These outcomes carry different fiscal implications for a county criminal justice system. For example, it is possible that a penalty enhancement may actually accelerate the resolution of some felony cases, which potentially reduces county adjudication, prosecution, and defense costs (if the person is indigent). It is equally possible that, as offenders are facing a more serious sanction, the resolution of some cases may actually slow down, as offenders seek to avoid prison or shorten the length of a potential prison sentence. Such an outcome could increase county adjudication, prosecution, and defense costs (if the person is indigent). Similarly, as a result of the shifting of certain criminal cases that would have been handled by a municipal court or a county court as misdemeanors under existing law to courts of common pleas, counties could experience an increase in their annual criminal justice system expenditures, as felonies are typically more time consuming and expensive to resolve and the local sanctioning costs can be higher as well.

In sum, the bill's penalty changes could trigger factors that simultaneously increase and decrease any affected county criminal justice system's expenditures. The net annual fiscal effect of these contrasting possibilities on any given county criminal justice system's expenditures appears likely to be no more than minimal, as the number of cases in which these factors may come into play will be relatively small.

In the matter of court costs and fines assessed against offenders, a county may gain revenues from the possibility of additional as well as enhanced felony convictions. As the number of affected cases in any given jurisdiction is likely to be relatively small, the magnitude of the potential revenue gain will be minimal annually. It should also be noted that: (1) courts generally do not impose, or if imposed rarely collect, the maximum possible fine for a felony offense, and (2) some offenders are unable and/or unwilling to pay any financial sanctions imposed by the court.

Municipal criminal justice systems

As noted, the bill may shift certain cases from the misdemeanor subject matter jurisdiction of a municipal criminal justice system to the felony jurisdiction of the court of common pleas. Such an outcome carries the potential to: (1) decrease municipal criminal justice system expenditures related to investigating, prosecuting, adjudicating, defending (if the offender is indigent), and sanctioning offenders, and (2) decrease municipal revenues in the form of related court costs and fines that would be assessed against such offenders. As the number of affected cases in any given municipal criminal justice system is likely to be relatively small, the magnitude of any expenditure decrease and related revenue loss will be minimal annually.

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