Fiscal Note & Local Impact Statement

127 th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **S.B. 108** DATE: **April 17, 2007**

STATUS: **As Re-referred to Senate Judiciary--Criminal Justice** SPONSOR: **Sen. Schaffer**

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

CONTENTS: **Judicial release**

State Fiscal Highlights

STATE FUND	FY 2007*	FY 2008	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential minimal savings loss	Potential minimal savings loss

Note: The state fiscal year is July 1 through June 30. For example, FY 2007 is July 1, 2006 – June 30, 2007.
* For the purposes of this fiscal analysis, it is assumed that any of the bill's state fiscal effects would occur sometime after FY 2007.

- ***State revenues.*** It does not appear that the bill will have any direct and readily discernible effect on state revenues.
- ***State expenditures.*** The number of offenders that would be affected by the bill in any given year is likely to be extremely small, especially in the context of a prison system currently housing more than 49,000 inmates. The annual marginal costs associated with the likely number of affected offenders, to the degree that such a savings is actually realized, would be no more than minimal. For the purposes of this fiscal analysis, minimal means an estimated expenditure savings of less than $100,000 per year for the state. As a result of the bill, the Department of Rehabilitation and Correction (DRC) may no longer realize that potential annual minimal savings in incarceration costs.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2007	FY 2008	FUTURE YEARS
Counties			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential, relatively small, savings	Potential, relatively small, savings	Potential, relatively small, savings

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

- ***Local revenues.*** It does not appear that the bill will have any direct and readily discernible effect on local revenues.

- ***Local expenditures.*** The likely local effect of the bill will be a potential decrease in county criminal justice expenditures, as courts of common pleas and affiliated county prosecutors would have fewer judicial release applications to review. Given the extremely small number of such offenders seeking judicial release in any given county, the size of any expenditure reduction is likely to be equally small, and, in terms of traditional budget and dollars, may not even be readily discernible.

Detailed Fiscal Analysis

Judicial release mechanism prohibition

The bill provides that any person who is serving a stated prison term for a criminal offense committed while the person held any elected office is not eligible for judicial release.

State fiscal effects

State expenditures

The predominate state fiscal impact stemming from this bill would be borne by the Department of Rehabilitation and Correction (DRC), a largely GRF-funded operation that runs the state's prison system. As a result of the bill, certain offenders that would otherwise have been eligible for judicial release under current law would, as a result of the bill, no longer be eligible for judicial release. Judicial release is a mechanism that, if granted, shortens an offender's prison sentence and presumably saves DRC incarceration costs that would otherwise have been incurred if the offender remained in prison.

The number of offenders that would be affected by the bill in any given year is likely to be extremely small, especially in the context of a prison system currently housing more than 49,000 inmates. This would suggest that the fiscal effect on DRC would likely be in terms of its marginal cost of incarcerating an offender, which LSC fiscal staff currently estimates at around $2,800 annually. The annual marginal costs associated with the likely number of affected offenders, to the degree that such a savings is actually realized, would be no more than minimal. For the purposes of this fiscal analysis, minimal means an estimated expenditure savings of less than $100,000 per year for the state. As a result of the bill, DRC may no longer realize that potential annual minimal savings in incarceration costs.

State revenues

It does not appear that the bill will have any direct and readily discernible effect on state revenues.

Local fiscal effects

Local expenditures

The likely local effect of the bill will be a potential decrease in county criminal justice expenditures, as courts of common pleas and affiliated county prosecutors would have fewer judicial release applications to review. Given the extremely small number of such offenders seeking judicial release in any given county, the size of any expenditure reduction is likely to be equally small, and, in terms of traditional budget and dollars, may not even be readily discernible.

Local revenues

It does not appear that the bill will have any direct and readily discernible effect on local revenues.

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