



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 243 of the 128th G.A.

Date: January 13, 2010

Status: As Introduced

Sponsor: Reps. Letson and Burke

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Intimidation of an attorney, victim, or witness in a criminal or juvenile delinquency case

State Fiscal Highlights

STATE FUND	FY 2010 – FUTURE YEARS
General Revenue Fund (GRF)	
Revenues	- 0 -
Expenditures	Potential, likely no more than minimal, annual incarceration cost increase
Indigent Defense Support Fund (Fund 5DY0)	
Revenues	Potential, likely negligible, annual gain in court cost revenues
Expenditures	- 0 -
Victims of Crime/Reparations Fund (Fund 4020)	
Revenues	Potential, likely negligible, annual gain in court cost revenues
Expenditures	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.

- **Incarceration expenditures.** As a result of violations of the bill's felony prohibition, there could potentially be a small number of additional offenders/juveniles sentenced to a state prison/juvenile correctional facility. In theory, such an outcome increases the institutional operating expenses of the departments of Rehabilitation and Correction and Youth Services. To the degree that actually occurs, the magnitude is likely to be no more than minimal, meaning a state expenditure increase estimated at less than \$100,000 per year.
- **Court cost revenues.** If, as assumed herein, a few additional offenders/juveniles may be found to have committed a felony or misdemeanor than might otherwise have been the case under current law and practice, the result could be a negligible gain in the amount of the locally collected state court costs that are credited to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). Negligible means a revenue gain estimated at less than \$1,000 for either state fund per year.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2010 – FUTURE YEARS

Counties and Municipalities

Revenues	Potential gain in court costs and fines, likely to be no more than minimal annually
Expenditures	Potential increase in criminal and/or juvenile justice system operating costs, 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.

- **Local expenditures generally.** The fiscal impact on local criminal and juvenile justice systems in terms of any additional cost to investigate, prosecute, adjudicate, defend (if indigent), and sanction violators will likely be no more than minimal. For the purposes of this fiscal analysis, minimal means a change in expenditures estimated at no more than \$5,000 per year for any affected county or municipal jurisdiction.
- **Local court cost and fine revenues generally.** The bill creates the possibility that counties and municipalities may gain court cost and fine revenue. As the number of affected criminal and juvenile cases appears likely to be relatively small, the amount of court cost and fine revenue that counties and municipalities might gain would be no more than minimal annually. For the purposes of this fiscal analysis, "minimal" means a change in revenue estimated at no more than \$5,000 for any affected municipality or county per year.

Detailed Fiscal Analysis

Overview

For the purposes of this fiscal analysis, the bill expands the offense of "intimidation of an attorney, victim, or witness in a criminal case" by: (1) eliminating the requirement that the witness be involved in a criminal action or proceeding for the prohibition to apply and (2) specifying the prohibition applies equally in juvenile delinquency cases.

Depending upon the specific circumstances of the alleged act of intimidation, under current law and unchanged by the bill, a violation of the intimidation prohibition constitutes either a misdemeanor of the first degree or a felony of the third degree. Table 1 below summarizes the sentence and fine for those offenses generally.

Table 1. Sentence and Fines for Certain Offenses Generally		
Degree	Potential Term of Incarceration	Maximum Possible Fine
Misdemeanor of the first degree	Not more than six months in jail	Up to \$1,000
Felony of the third degree*	Definite prison term of 1, 2, 3, 4, or 5 years	Up to \$10,000

*For a felony of the third degree, there is no general preference for or against the imposition of a prison term.

State and local expenditures

Local expenditures

Research by LSC fiscal staff has not uncovered any evidence to suggest that the number of additional criminal or juvenile cases that will be created as a result of the bill's changes to the intimidation prohibition is likely to be significant. Therefore, the fiscal impact on local criminal and juvenile justice systems in terms of any additional cost to investigate, prosecute, adjudicate, defend (if indigent), and sanction violators will likely be no more than minimal. For the purposes of this fiscal analysis, minimal means a change in expenditures estimated at no more than \$5,000 per year for any affected county or municipal jurisdiction.

State expenditures

It is also possible as a result of the bill that: (1) additional adult offenders could be sentenced to prison, which in theory increases the Department of Rehabilitation and Correction's (DRC) annual incarceration costs and (2) additional juvenile offenders could be committed to the state, which in theory increases the Department of Youth Services' (DYS) annual care and custody costs. It would appear, however, that very few additional adult and juvenile offenders will be sentenced to prison or committed to the state annually as a result of the bill's changes to the intimidation prohibition and thus any related potential increase in DRC's annual incarceration costs or DYS's annual care and custody costs would be no more than minimal. For the purposes of this fiscal

analysis, in the context of state expenditures, minimal means an annual cost increase estimated at less than \$100,000.

State and local revenues

If, as assumed herein, the number of new criminal and juvenile "intimidation" cases created as a result of the bill is relatively small, the amount of court cost and fine revenue that counties and municipalities might gain will be no more than minimal annually. For the purposes of this fiscal analysis, "minimal" means a change in revenues estimated at no more than \$5,000 per year for any affected local jurisdiction.

Any increase in criminal or juvenile cases and subsequent convictions may also lead to a gain in locally collected state court cost revenue for deposit to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). The amount of money that either of these state funds may gain annually, however, is likely to be negligible, as the number of affected criminal and juvenile cases appears to be relatively small. For the purposes of this fiscal analysis, in the context of state revenues, negligible means an annual gain estimated at less than \$1,000 for either state fund.