# Ohio Legislative Service Commission

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# Fiscal Note & Local Impact Statement

**Bill**: H.B. 334 of the 128th G.A. **Date**: January 13, 2010

**Status**: As Introduced **Sponsor**: Rep. Pryor

**Local Impact Statement Procedure Required**: No — No local cost

**Contents**: Penalties for murder

## State Fiscal Highlights

| STATE FUND | FYs 2010 – 2025* | FY 2026 – FUTURE YEARS |
|---|---|---|
| **General Revenue Fund** | | |
| Revenues | - 0 - | - 0 - |
| Expenditures | - 0 - | Potential incarceration cost increase, magnitude uncertain, but possibly in millions of dollars annually |

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.
* Incarceration cost effects likely to occur 16 years after the bill's effective date.

- **Incarceration expenditures.** Estimating the precise magnitude of any increase in the Department of Rehabilitation and Correction's GRF-funded incarceration expenditures is difficult because the bill provides judges with discretion to choose the minimum sentence for a murder conviction. The bill allows the minimum prison term for murder to range from 15 to 20 years, which will arguably result in a considerable variation in the minimum prison term imposed by the sentencing judges across 88 courts of common pleas. As a result, starting with FY 2026, some offenders convicted of murder may serve anywhere from 1 to 5 additional years in prison than might otherwise have been the case under current parole conditions. In theory, the Department's incarceration expenditures will increase, potentially in the millions of dollars annually.

## Local Fiscal Highlights

- No direct fiscal effect on the revenues or expenditures of the state's political subdivisions.

# Detailed Fiscal Analysis

## Overview

For purposes of this fiscal analysis, the bill most notably changes the general prison term for murder from an indefinite term of 15 years to life to an indefinite term consisting of a minimum term of 15, 16, 17, 18, 19, or 20 years and a maximum term of life imprisonment.

## State fiscal effects

Based on data collected over the past several years by the Department of Rehabilitation and Correction, it appears that about 125 offenders each year are convicted and sentenced to prison for the offense of murder, the minimum term of which is 15 years. If these offenders were sentenced to any of the longer minimum prison terms as prescribed by the bill (16, 17, 18, 19, or 20 years), the result would be an additional number of years to be served that would begin at the point in time where some number of these offenders might otherwise have been paroled and released from prison under current law. Each additional year an offender serves in prison increases the Department's GRF institutional operating expenses.

Estimating the precise magnitude of any resulting increase in the Department's incarceration expenditures is difficult because the bill provides the court with discretion to choose the minimum sentence for a murder conviction. Thus, an offender could receive a minimum prison term that is 1, 2, 3, 4, or 5 years more than might otherwise have occurred under current law and sentencing practices. How that might affect any given offender's actual time served is uncertain, particularly in light of the fact, that, in recent years, the average time served in prison for a murder conviction has been around 20 years.

Despite the difficulty in predicting how judges will utilize the new sentencing options provided by the bill, we can provide a general estimate for the maximum cost of each additional year of incarceration created by the bill. As of January 2010, the average annual cost per inmate is $25,284. Thus, in current dollars, if 125 offenders sentenced to prison for murder serves an additional year in prison, the additional incarceration cost to the Department is approximately $3.16 million annually ($25,284 x 125 offenders). The possible stacking effect could push that incarceration cost increase into the tens of millions of dollars.

It is also important to point out that since the offenders affected by the sentencing change in the bill would already be serving, under current law, a minimum of 15 years, there would be no fiscal impact for at least 15 years. Since some of these offenders will serve terms longer than the minimum 15 years, the observable fiscal impact of the bill may not emerge until after 20 or 25 years following the enactment of the bill.

## Local fiscal effects

The bill's changes to the general prison term for murder will have no direct fiscal effect on the state's political subdivision.

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