



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [H.B. 380 of the 128th G.A.](#) **Date:** January 19, 2010

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

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Sexual imposition

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2010 - FUTURE YEARS

Counties and municipalities

Revenues	Potential gain in fine revenue, likely to be minimal
Expenditures	Potential increase in criminal justice system expenditures as a result of some offenders being sentenced to longer jail terms, likely to be minimal at most

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

- To the extent that there are successful prosecutions under the new penalty enhancements, local municipalities and counties may experience increased costs associated with longer jail terms. These costs would likely be partially offset by the increased fine revenue, however, collecting such fines tend to be problematic. These potential cost increases will vary from jurisdiction to jurisdiction, but likely to be minimal.

Detailed Fiscal Analysis

The bill increases the penalty for the offense of sexual imposition to a first degree misdemeanor on the first offense if the offender commits the offense under either of the following circumstances:

- The other person is 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of such person, and the offender is at least 18 years of age and four or more years older than the victim; or
- The offender is a mental health professional, the other person is a mental health client or patient of the offender and the offender induces the victim by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

Table
Sexual Imposition Penalty Comparison

Offense criteria of sexual imposition	Penalty under current law	Penalty under the bill
<ul style="list-style-type: none"> • The victim is 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of such person, and the offender is at least 18 years of age and four or more years older than the victim • The offender is a mental health professional, the victim is a mental health client or patient of the offender and the offender induces the victim by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes. 	<p><u>First offense:</u></p> <p>Misdemeanor of the 3rd degree</p> <p><i>(max jail sentence of 60 days and max fine of \$500)</i></p>	<p><u>First or subsequent offense:</u></p> <p>Misdemeanor of the 1st degree</p> <p><i>(max jail sentence of 6 months and max fine of \$1,000)</i></p>
	<p><u>Second offense:</u></p> <p>Misdemeanor of the 1st degree</p> <p><i>(max jail sentence of 6 months and max fine of \$1,000)</i></p>	N/A

State fiscal effects

No new cases are expected to be generated by the bill. Since the penalty enhancements prescribed by the bill are tied to misdemeanor level offenses, state revenues and expenditures will be unaffected by the bill.

Local fiscal effects

Since no new cases will be generated by the bill, local court caseloads, specifically those of municipal and county courts, should largely be unaffected. In addition, only a portion of existing sexual imposition cases will be affected by the proposed penalty enhancement. Generally speaking, affected cases would largely be restricted to those offenders who commit a first offense under either of the two circumstances indicated in the table above. The number of affected cases is likely to be minimal.

To the extent that there are successful prosecutions under the new penalty enhancements, local municipalities and counties may experience increased costs associated with longer jail terms. These costs would likely be partially offset by the increased fine revenue, however, collecting such fines tend to be problematic. These potential cost increases will vary from jurisdiction to jurisdiction, but likely to be minimal.