



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: S.B. 56 of the 128th G.A.

Date: March 25, 2009

Status: As Introduced

Sponsor: Sen. Niehaus

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Offense of "leaving a child unattended in an automobile"

State Fiscal Highlights

STATE FUND	FY 2010 – FUTURE YEARS
General Revenue Fund (GRF)	
Revenues	Potential negligible annual gain in locally collected state court costs
Expenditures	- 0 -
Victims of Crime/Reparations Fund (Fund 4020)	
Revenues	Potential negligible annual gain in locally collected state court costs
Expenditures	- 0 -

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

- **Court cost revenues.** The amount of locally collected state court costs forwarded for deposit in the GRF and the Victims of Crime/Reparations Fund (Fund 4020) is likely to be negligible. For the purposes of this fiscal analysis, "negligible" means an estimated revenue gain of less than \$1,000 for either state fund per year.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2010 – FUTURE YEARS

Counties and Municipalities (criminal justice systems)

Revenues

Potential minimal annual gain in court costs and fines

Expenditures

Potential minimal annual criminal justice system cost increase

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

- **Local criminal justice system expenditures.** The potential number of additional criminal cases created for certain county and municipal criminal justice systems to process are likely to be relatively small. Assuming this were true, any resulting increase in county and municipal criminal justice system expenditures would likely be minimal at most annually. For the purposes of this fiscal analysis, a "minimal" expenditure increase means an estimated cost of no more than \$5,000 for any affected county or municipality per year.
- **Local revenues.** The amount of court costs and fines collected and deposited to the appropriate county or municipal treasury is likely to be minimal at most. For the purposes of this fiscal analysis, a "minimal" revenue gain means an estimated increase of no more than \$5,000 for any affected county or municipality per year.

Detailed Fiscal Analysis

Offense of "leaving a child unattended in an automobile"

For the purposes of this fiscal analysis, the bill most notably prohibits a person from negligently leaving a child who is less than five years of age unattended in an automobile. A violation of this prohibition is generally a minor misdemeanor. If a child suffers serious physical harm, the violation is a misdemeanor of the third degree, and if a child dies, the violation is a misdemeanor of the first degree.

Sentences and fines generally

Table 1 below outlines the sentences and fines associated with the bill's new offense. These sentences and fines reflect current law for certain misdemeanors and are unchanged by the bill.

Table 1. Sentences and Fines for Certain Misdemeanors

Offense Level	Maximum Potential Fine	Potential Term of Incarceration
1st degree misdemeanor	\$1,000	Not more than 6-month jail term
3rd degree misdemeanor	\$500	Not more than 60-day jail term
Minor misdemeanor	\$150	None

Local fiscal effects

Criminal justice system expenditures

As a result of creating this new offense, additional misdemeanor cases may be generated for county and municipal criminal justice systems to resolve involving persons whose conduct under current law might not have led to their being arrested, charged, and prosecuted. If this were to happen, then, in theory, local criminal justice system expenditures related to investigating, prosecuting, adjudicating, defending (if the offender is indigent), and sanctioning offenders would increase in any affected county or municipality.

If, as assumed herein, the number of offenders violating the bill's prohibition is relatively small in any given jurisdiction, the resulting increase in county or municipal criminal justice system expenditures would likely be minimal at most annually. For the purposes of this fiscal analysis, a "minimal" expenditure increase means an estimated cost of no more than \$5,000 for any affected county or municipality per year.

County and municipal revenues

Subsequent to a conviction, the court generally imposes court costs and a fine to be paid by the offender, and if collected, deposits in the county or municipal treasury as appropriate. If, as assumed herein, the number of offenders convicted of violating the bill's prohibition is relatively small in any given jurisdiction, the potential amount of court cost and fine revenues that might be generated for that local jurisdiction is likely to be no more than minimal annually. For the purposes of this fiscal analysis, a "minimal" revenue gain means an estimated increase of no more than \$5,000 for any affected county or municipality per year.

State fiscal effects

Court cost revenues

As a result of a violation of the bill's prohibition, it is possible that some persons whose conduct may not have been criminal under current state law will be arrested and successfully prosecuted. This creates the opportunity for the state to gain locally collected court cost revenues that are forwarded for deposit in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 4020). State court costs for a misdemeanor conviction total \$24, with \$9 of that amount being credited to the Victims of Crime/Reparations Fund (Fund 4020) and the remainder, or \$15, being credited to the GRF.

If, as assumed herein, the number of offenders convicted of violating the bill's prohibition is relatively small, then the amount of locally collected state court costs that might be forwarded annually statewide is likely to be no more than negligible. For the purposes of this fiscal analysis, "negligible" means an estimated revenue gain of less than \$1,000 for either state fund per year.