



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 58 of the 128th G.A.

Date: June 2, 2010

Status: As Enacted

Sponsor: Sen. Hughes

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Biological evidence training, bodily substances

State Fiscal Highlights

- The Office of the Attorney General's annual cost to administer and conduct required preservation of biological evidence training may exceed minimal.
- The Department of Rehabilitation and Correction may experience a minimal annual increase in its GRF-funded incarceration expenditures.
- There may be a negligible annual reduction in non-GRF locally collected state court costs.

Local Fiscal Highlights

- The bill's "unlawful collection of a bodily substance" prohibition may create a few additional criminal cases for county and municipal criminal justice systems to process. The estimated annual increase in expenditures and related gain in fine and court cost revenues resulting from these additional cases is minimal.

Detailed Fiscal Analysis

Biological evidence training

Based on LSC fiscal staff's research regarding similar training programs and conversations with the Office of the Attorney General, the annual cost to administer and conduct the required preservation of biological evidence training may exceed minimal.

Bodily substances prohibition

LSC fiscal staff's research suggests that few additional offenders would be sentenced to a prison term annually because of violating the bill's prohibition, which means that the potential increase in the Department of Rehabilitation and Correction's GRF-funded incarceration costs would be no more than minimal annually.

The bill's prohibition may create additional misdemeanor and felony cases for county and municipal criminal justice systems to resolve. However, because few new cases are expected any increase in local criminal justice system expenditures related to investigating, prosecuting, adjudicating, defending (if the offender is indigent), and sanctioning offenders will be no more than minimal annually.

Because the bill's prohibition will generate few new criminal cases, any annual increase in state and local court cost and fine revenues will be negligible. State court costs collected are forwarded for deposit in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and Victims of Crime/Reparations Fund (Fund 4020). The court is generally required to impose state court costs totaling \$29 for a misdemeanor and \$60 for a felony. The \$29 misdemeanor amount is divided as follows: \$20 to the Indigent Defense Support Fund (Fund 5DYO) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020). The \$60 felony amount is divided as follows: \$30 to Fund 5DYO and \$30 to Fund 4020. Courts are generally required to order an offender convicted of a criminal offense to pay a mix of state and local court costs and fines. A court is permitted to waive their collection if the offender is determined to be indigent, which many are.

Sentences and fines generally

Under the bill, a violation of the "unlawful collection of a bodily substance" prohibition is generally a misdemeanor of the first degree and a felony of the fifth degree on a second or subsequent violation. The table below outlines the sentences and fines associated with a violation of that prohibition.

Sentences and Fines for "Unlawful Collection of a Bodily Substance"		
Offense Level	Maximum Potential Fine	Potential Term of Incarceration
1st degree misdemeanor	\$1,000	Not more than 6-month jail term
5th degree felony	\$2,500	6-12 months definite prison term

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