



# Ohio Legislative Service Commission

*Terry Steele*

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## Fiscal Note & Local Impact Statement

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**Bill:** [Sub. H.B. 326 of the 129th G.A.](#)

**Date:** May 18, 2012

**Status:** As Passed by the Senate

**Sponsor:** Reps. McClain and Hill

**Local Impact Statement Procedure Required:** No

**Contents:** Prohibits a person from using public funds for specified purposes and specifies a first degree misdemeanor for violations

### State Fiscal Highlights

- The bill creates a new criminal penalty of a first degree misdemeanor for a governing body of a political subdivision or any other individual that knowingly uses public funds for campaign purposes. This new penalty could increase fine revenues deposited in the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

### Local Fiscal Highlights

- While it is unlikely that a large number of new criminal cases would arise from this newly established penalty, there could be some new costs resulting from any new cases. These cases would likely be handled by municipal courts.

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## Detailed Fiscal Analysis

### Overview

The bill establishes a new criminal penalty of a first degree misdemeanor for a governing body of a political subdivision or any other individual that knowingly uses public funds for campaign purposes. An exception is made for a board of alcohol, drug addiction, and mental health services when recruiting and promoting local financial support for mental health and addiction services. The prohibition includes using public funds to communicate the political subdivision's support or opposition of any candidate or issue, and the compensation of any employee of a political subdivision for time spent on any activity intended to influence the outcome of an election. The bill could increase county and municipal criminal justice system costs for investigating, prosecuting, and adjudicating certain offenders. Likewise, the bill could also generate additional court cost and fine revenues for counties and municipalities. Assuming that the penalty in this bill is rarely prosecuted, any related variations in annual county and municipal criminal justice system expenditures and revenues are likely to be no more than minimal.

In addition to any local fines and court costs, offenders can be ordered to pay locally collected state court costs. State court costs for a misdemeanor conviction total \$29, of which \$20 is credited to Fund 5DY0 and \$9 is credited to Fund 4020. Overall, since there would likely be few new convictions under this new violation, any additional revenue to Fund 5DY0 and Fund 4020 would likely be negligible.