



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [Sub. H.B. 535 of the 129th G.A.](#) **Date:** May 23, 2012

**Status:** As Reported by House Judiciary & Ethics **Sponsor:** Rep. Hill

**Local Impact Statement Procedure Required:** No

**Contents:** Interception of wire, oral, or electronic communication

### State Fiscal Highlights

- The bill's exemption may result in a negligible annual decrease in: (1) state GRF incarceration expenditures, and (2) locally collected state court costs deposited in the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

### Local Fiscal Highlights

- As a result of the bill's exemption, there may be a very slight statewide decrease in the number of persons arrested and convicted of a felony "interception" offense, with a resulting negligible revenue loss and expenditure decrease for county criminal justice systems.

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## Detailed Fiscal Analysis

The bill exempts a parent of a minor child or person acting in loco parentis of a minor child from the prohibition of the interception of wire, oral, or electronic communications with respect to any such communication in which the minor child participates, is a recipient, or intended recipient if the interception is made in good faith for the protection of the child. Under current law, unchanged by the bill, a violation of this prohibition is a felony of the fourth degree.

The bill's exemption could lead to an extremely small statewide reduction in the number of persons statewide that might otherwise have been prosecuted and possibly convicted of a felony "interception" offense. As a result, there may be a slight decrease in a county criminal justice system's annual expenditures related to investigating, prosecuting, defending (if indigent), and sanctioning offenders, including any related jail stays. If this involves situations where the offender would have been sentenced to a prison term, then the Department of Rehabilitation and Correction's (DRC) may realize a relatively small annual savings in GRF-funded incarceration costs. Any such savings would likely be in terms of the marginal cost of incarcerating an inmate, which is currently around \$3,000 to \$4,000 per year.

If a few offenders are not convicted of a felony "interception" offense, then the county that would have adjudicated the matter could lose a negligible amount of annual revenue, in the form of court costs, fees, and fines that might otherwise have been imposed on the offender by the court. The state could also lose a negligible amount of court cost revenue collected from offenders and forwarded for deposit in the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). The state court cost for a felony is \$60 divided as follow: \$30 to Fund 5DY0 and \$30 to Fund 4020. The court is generally required or permitted to impose court costs, fees, and fines unless an offender is determined to be indigent.

The table below summarizes current law's sanctions for a fourth degree felony generally, including the maximum possible fine, whether there is a statutory preference for or against the imposition of a prison term, and the length of the possible prison term.

Sentences and Fines for a Fourth Degree Felony Generally			
Felony Level	Possible Fine	Sentencing Guidelines	Possible Prison Term
4th Degree	Up to \$5,000	Preference generally against a prison term	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite