Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: S.B. 109 of the 129th G.A. **Date**: November 9, 2011

Status: As Introduced **Sponsor**: Sen. Schiavoni

Local Impact Statement Procedure Required: No

Contents: Civil and criminal liability for trespassing on certain property for the purpose of beautifying it

State Fiscal Highlights

STATE FUND	FY 2012 – FUTURE YEARS
Victims of Crime/Reparations Fund (Fund 4020)	
Revenues	Potential negligible annual loss in locally collected state court costs
Expenditures	- 0 -
Indigent Defense Support Fund (Fund 5DY0)	
Revenues	Potential negligible annual loss 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.

- The bill may result in a slight reduction in the number of criminal trespass convictions statewide and a corresponding negligible annual loss in the amount of locally collected state court costs credited to the Victims of Crime/Reparations Fund (Fund 4020) and the Indigent Defense Support Fund (Fund 5DY0).

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2012 – FUTURE YEARS
Counties and Municipalities	
Revenues	Potential negligible annual loss in filing fees, court costs, and fines
Expenditures	Potential savings effect for criminal and civil justice systems

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

- There may be a relatively small reduction in the number of criminal and civil trespassing cases adjudicated statewide. As a result, counties and municipalities may experience a potential savings effect in that the reduction in cases could lead to more time available for courts, law enforcement, prosecutors, and public defenders to spend on other cases. Counties and municipalities may also experience a negligible annual loss in revenue from a mix of court costs, fines, and filing fees that might otherwise have been collected.

Detailed Fiscal Analysis

The bill provides that a person who is found to have trespassed on certain properties cannot be held liable, either civilly or criminally, if the purpose for entering or remaining on the property was to beautify it. Under current law, unchanged by the bill, criminal trespassing is a misdemeanor of the fourth degree and is punishable by a jail sentence of not more than 30 days, a fine of not more than $250, or both. The bill could lead to some reduction in the number of criminal and civil trespassing cases for local criminal and civil justice systems to process. Based on LSC staff conversations with interested parties, including members of the judicial community, the Ohio State Bar Association, and the Judicial Conference of Ohio, such a reduction in any given local jurisdiction is likely to be extremely small in the context of the overall workload.

State revenues

As a result of a relatively small decrease in criminal trespassing cases, there may be a negligible decrease in the amount of state court costs collected and then forwarded to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). For misdemeanor cases such as criminal trespassing, the court is generally required to impose state court costs totaling $29, with $20 allocated to Fund 5DYO and $9 allocated to Fund 4020. Thus, for each criminal trespassing case eliminated, the state potentially loses a total of $29.

Local revenues and expenditures

Criminal trespassing cases

Under the bill, counties and municipalities could experience a reduction in the amount of time spent to adjudicate criminal trespassing cases, thus producing some amount of savings in terms of the time and effort that the courts, law enforcement, prosecutors, and public defenders can reallocate for other duties and responsibilities. That being said, any savings experienced as a result of the bill would likely be at least partially offset by a potential negligible annual loss in revenue from court costs and fines that might otherwise have been collected and retained under current law.

Civil trespassing cases

A slight reduction in the number of civil trespassing cases may result in a potential savings effect for courts of common pleas and county and municipal courts that would otherwise have adjudicated such matters. Any savings experienced by a court may be at least partially offset by a corresponding loss in filing fee revenues that might otherwise have been collected. The net annual effect of any savings and revenue loss is expected to be negligible.