Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 305 of the 129th G.A. **Date**: May 23, 2012

Status: As Reported by House Transportation, Public Safety & Homeland Security **Sponsor**: Sen. Hughes

Local Impact Statement Procedure Required: No

Contents: Prohibits hidden compartments in vehicles

State Fiscal Highlights

STATE FUND	FY 2013 – FUTURE YEARS
General Revenue Fund (GRF)	
Revenues	- 0 -
Expenditures	Incarceration cost increase, possibly peaking at around $2.5 million annually by FY 2018
Indigent Defense Support Fund (Fund 5DY0)	
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 2013 is July 1, 2012 – June 30, 2013.

- There is likely to be an increase in the Department of Rehabilitation and Correction's GRF-funded incarceration expenditures, possibly peaking at around $2.5 million annually five years after the bill's effective date, as a result of additional offenders being sentenced to prison for conduct involving a hidden compartment in a vehicle.
- As a result of violations of the bill's new felony prohibitions, a negligible amount of annual revenue, in the form of state court costs, may be collected locally and forwarded for deposit in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2012 – FUTURE YEARS
Counties (criminal justice systems)	
Revenues	Potential, at most minimal, annual gain in court costs and fines
Expenditures	Potential, at most minimal, annual increase in criminal justice system operating costs

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

- The bill may minimally increase the annual costs that a given county criminal justice system incurs as the result of having to process a few additional felony cases involving vehicles with hidden compartments. Subsequent convictions could also generate a minimal annual gain in court cost and fine revenues that the sentencing court would generally impose on offenders.

Detailed Fiscal Analysis

State fiscal effects

Incarceration expenditures. The bill's new felony prohibitions pertaining to hidden compartments in vehicles is likely to result in an increase in the Department of Rehabilitation and Correction's GRF-funded incarceration expenditures, possibly peaking at around $2.5 million annually some five years after its effective date. Data collected by the Ohio State Highway Patrol reveals that, between January 2010 and February 2012, there were about 70 cases in which hidden compartments were discovered in vehicles suspected of traversing drugs across the state. In most of these cases, drugs were hidden in the compartment, but in about one-fourth of these instances the compartments were empty. The new prohibitions will cover these latter circumstances and thus generate an increase in the number of offenders sentenced to prison. The result will be a slow increase in the prison population, which the Department of Rehabilitation and Correction has estimated will add around 100 new beds over a five-year period. At an annual cost of $25,225 per bed, these 100 additional beds will increase GRF prison expenditures by around $2.5 million per year.

Court cost revenues. New criminal convictions stemming from the bill may generate additional state court cost revenue that is collected locally and forwarded for deposit in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). The state court costs for a felony offense total $60, of which Fund 5DY0 receives $30 and Fund 4020 receives $30. As the number of new cases resulting from violations of the bill's provisions will be relatively small, additional state court cost revenues collected are likely to be negligible. It is also important to note that collecting court costs and fines from certain offenders can be problematic, especially in light of the fact that many are unable or unwilling to pay.

County criminal justice systems

Any additional costs for county criminal justice systems to prosecute and adjudicate the few additional offenders likely to be arrested for violating one or more of the bill's felony prohibitions are not expected to exceed minimal annually. Subsequent to a conviction, the court generally imposes court costs and a fine to be paid by the offender, and if collected, deposited in the county treasury. Given the relatively small number of likely convictions, the amount of additional court cost and fine revenues that counties may actually collect annually will be no more than minimal. As noted above, the collection of court costs and fines can be problematic.

Prohibitions and penalties

A violation of any of the bill's prohibitions generally is a fourth degree felony, but it is a third or second degree felony under certain circumstances. The table below summarizes current law's sanctions for fourth, third, and second degree felonies,

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 Certain Felony Offenses			
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
3rd Degree	Up to $10,000	No preference generally	1, 2, 3, 4, or 5 years definite
2nd Degree	Up to $15,000	Presumption for a prison term	2, 3, 4, 5, 6, 7, or 8 years definite

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