



# Ohio Legislative Service Commission

*Joseph Rogers*

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## Fiscal Note & Local Impact Statement

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**Bill:** [Sub. H.B. 74 of the 130th G.A.](#)

**Date:** December 10, 2013

**Status:** As Passed by the House

**Sponsor:** Rep. Anielski

**Local Impact Statement Procedure Required:** No

**Contents:** Expands offenses of menacing by stalking and telecommunications harassment

### State Fiscal Highlights

- The bill's expansion of the offenses of menacing by stalking and telecommunications harassment may result in a few additional felony offenders being sentenced to prison, the fiscal effect of which will be no more than a minimal annual increase in the Department of Rehabilitation and Correction's GRF-funded incarceration expenditures.
- As a result of violations of the bill's expanded 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

- The bill may minimally increase the annual costs that a given county or municipal criminal justice system incurs to adjudicate, prosecute, and sanction offenders as the result of generating a few additional cases involving menacing by stalking and telecommunications harassment. Subsequent convictions could also generate a minimal annual gain in the amount of court cost and fine revenues that the sentencing court would generally impose on offenders.

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## Detailed Fiscal Analysis

The bill expands the offenses of menacing by stalking and telecommunications harassment by specifying additional prohibited conduct and by extending the possible victims of the prohibited conduct to include a person's family or household member. By expanding these offenses, certain conduct that may or may not be illegal, or more difficult to prosecute, under current law will become somewhat easier to prosecute, thus resulting in a small increase in the number of offenders charged, prosecuted, and convicted of menacing or harassment.

Under existing law, unchanged by the bill, the offenses of menacing by stalking and telecommunications harassment generally are a misdemeanor of the first degree, and in certain specified circumstances, including prior convictions, the offense may be a felony of the fourth or fifth degree.<sup>1</sup>

### State fiscal effects

The potentially small number of new felony convictions stemming from the expanded prohibitions pertaining to menacing by stalking and telecommunications harassment may result in a minimal annual increase in the Department of Rehabilitation and Correction's GRF-funded incarceration expenditures. The average annual cost for the Department of Rehabilitation and Correction to incarcerate an offender in an Ohio prison is currently \$22,836, with the marginal cost of adding an offender estimated at between \$3,000 and \$4,000.

A few additional felony and misdemeanor convictions stemming from the bill may generate a negligible annual amount of 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 total \$60 for a felony and \$29 for a misdemeanor. The \$60 felony amount is divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020. The \$29 misdemeanor amount is divided as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020. 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 and municipal criminal justice systems

Any additional annual costs for county and municipal criminal justice systems to prosecute, adjudicate, and sanction a few additional offenders that might be convicted as a result of the bill's expanded prohibitions are not expected to exceed minimal. Subsequent to a conviction, the court generally imposes local court costs and a fine to be paid by the offender, and if collected, deposited in the county treasury. Given the

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<sup>1</sup> The offense of telecommunications harassment is a felony of the third degree if the violation results in economic harm of \$150,000 or more.

relatively small number of likely convictions, the amount of additional court cost and fine revenues that counties and municipalities may actually collect annually will be no more than minimal. Also of note is that courts rarely impose the maximum permissible fine.

### **Sentences and fines for certain offenses generally**

The table below summarizes current law's sentences and fines generally for felonies of the fourth and fifth degree and a misdemeanor of the first degree.

<b>Sentences and Fines for Certain Offenses Generally</b>		
<b>Offense Level</b>	<b>Fine</b>	<b>Possible Term of Incarceration</b>
4th Degree Felony	Up to \$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18-month prison term
5th Degree Felony	Up to \$2,500	6, 7, 8, 9, 10, 11, or 12-month prison term
1st Degree Misdemeanor	Up to \$1,000	Not more than 180-day jail term