Ohio Legislative Service Commission

Maggie Wolniewicz

Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 129 of the 130th G.A. **Date**: June 4, 2014

Status: As Passed by the Senate **Sponsor**: Rep. Stautberg

Local Impact Statement Procedure Required: No

Contents: Protection orders and criminal prohibitions in stalking cases

State Fiscal Highlights

- **Incarceration expenditures**. There could be a very small number of additional offenders/juveniles sentenced to a state prison/juvenile correctional facility for a felony menacing violation, which may result in a no more than minimal annual increase in the institutional operating expenses of the departments of Rehabilitation and Correction and Youth Services.
- **Court cost revenues**. There may be a negligible annual gain in the amount of the locally collected court cost that is credited to the Victims of Crime/Reparations Fund (Fund 4020) and the Indigent Defense Support Fund (Fund 5DY0), as a few additional adult and juvenile offenders may be found to have committed a menacing-related offense.

Local Fiscal Highlights

- **Local criminal justice systems**. There may be a relatively small increase in the number of menacing and protection order violation cases requiring adjudication. Any additional workload and costs would likely be absorbed using existing resources. There may also be a negligible annual gain in the revenue collected from court costs, fees, and fines.
- **Protection order requests**. Courts of common pleas may experience a slight increase in caseloads to hear and determine additional protection order requests sought by corporations, associations, or other organizations (including an entity that is a governmental employer) that may not have been sought under current law. Any additional workload and costs would likely be absorbed using existing resources.

Detailed Fiscal Analysis

The bill expands the criminal aggravated menacing, menacing by stalking, and menacing prohibitions to include words or conduct that are directed at or identify a corporation, association, or other organization (including an entity that is a governmental employer) that employs the victim or to which the victim belongs, and permits the corporation, association, or organization under certain circumstances to seek a protection order for a violation of any of these prohibitions. Under current law, unchanged by the bill, a violation of aggravated menacing, menacing, or menacing by stalking is generally a misdemeanor of varying degrees but may be elevated to a felony under certain circumstances.

As a result, certain divisions of the courts of common pleas may see a slight rise in requests to issue a protection order and new felony menacing-related cases requiring adjudication. County and municipal courts may also see a slight increase in new misdemeanor menacing-related cases. In the event that violations of a court-issued protection order occur, local criminal justice systems (law enforcement, prosecutors, and courts) will need to expend additional time and effort in disposing of such matters.

Protection orders

Court caseload

Courts of common pleas may experience an increase in their caseloads as a result of permitting a corporation, association, or other organization to request the issuance of a protection order. Current law does not prohibit a corporation, association, or other organization from requesting the issuance of a protection order, but does not clearly authorize the court to grant a protection order in such circumstances. Any increase in protection order requests and required hearings is expected to be relatively small in the context of the court's overall caseload, with any additional costs to be absorbed within existing staff levels and operating budgets.

Menacing prohibitions

Local revenues and expenditures

The possible ways in which the bill's criminal provisions may affect counties and municipalities are as follows:

- **New cases**. It is possible that an individual may be arrested and prosecuted for conduct that might not have been prohibited under current law's menacing-related prohibitions.
- **Protection order violations**. It is possible that, with the issuance of additional protection orders, violations of those orders will occur, and the violators will be subject to arrest and prosecution.

In the context of any given local criminal justice system, these possibilities are likely to affect a relatively small number of cases. County and municipal criminal justice systems should be able to absorb the additional work with no discernible effect on their annual operating costs (expenses related to investigation, prosecution, indigent defense, adjudication, sanctioning). There may also be a negligible annual gain in the revenue collected from court costs, fees, and fines.

State incarceration costs

As a result of the bill's penalty enhancement, there could be a very small number of additional offenders/juveniles sentenced to a state prison/juvenile correctional facility, the results of which may be a no more than minimal annual increase in the institutional operating expenses of the departments of Rehabilitation and Correction and Youth Services.[1]

State court costs

With each additional misdemeanor or felony conviction, the state might gain revenue in the form of locally collected state court costs that are 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 amount that might be generated per year is likely to be negligible at most.

In the case of a misdemeanor, the court is generally required to impose state court costs totaling $29, divided as follows: $20 to Fund 5DY0 and $9 to Fund 4020. In the case of a felony, the court is generally required to impose state court costs totaling $60, divided as follows: $30 to Fund 5DY0 and $30 to Fund 4020.

HB0129SP / lb

[1] The average annual cost for the Department of Rehabilitation and Correction to incarcerate an offender in prison is currently around $22,836 (or $62.57 per day), with the marginal annual cost of adding an offender estimated at between $3,000 and $4,000. The average annual cost of incarcerating a juvenile in a Department of Youth Services facility is currently around $202,502 (or $554.80 per day), with the marginal annual cost of adding a juvenile estimated at $10,000.