



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Sub. H.B. 197 of the 130th G.A.](#)

Date: October 22, 2013

Status: As Reported by House Health and Aging

Sponsor: Reps. Barnes and Grossman

Local Impact Statement Procedure Required: No

Contents: Survivors of abduction

State Fiscal Highlights

- **Victims of Crime/Reparations Fund.** Under the bill, four individuals will each be eligible for \$25,000 annually for a period of years payable from the Victims of Crime/Reparations Fund (Fund 4020). The total cost of these awards is estimated at up to \$896,000. The Attorney General may incur a no more than minimal one-time cost to investigate these claims.
- **Cleveland State University (CSU) and Board of Regents.** CSU will incur a loss of tuition and fees for up to five years of undergraduate study for each survivor of abduction admitted by the school. The Board of Regents will incur additional expenses to cover the cost-of-living expenses for a survivor of abduction enrolled at CSU.
- **Health care expenses.** The Governor may award to each survivor of abduction an amount the Governor determines to meet the anticipated physical and mental health care expenses and needs for the next year in the form of reimbursement for co-pays and coinsurance or premium assistance. The bill is silent as to the funding source for the amount to be provided.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

The bill defines a "survivor of abduction" and makes such a person eligible for certain state benefits, specifically those related to the Victims of Crime/Reparations Fund (Fund 4020), Cleveland State University, and health care.

Survivor of abduction defined

The bill defines a "survivor of abduction" as a person who is the victim of the crime of kidnapping who regained freedom on May 6, 2013 after having been: (1) restrained by force or threat for a period of at least eight years from August 2002 to May 2013, and (2) subjected to unwanted sexual activity or serious physical harm. The definition also includes a child born to a survivor of abduction as a proximate result of the kidnapping.

It is believed that this definition will only apply to the recent crime victims Michelle Knight, Amanda Berry, and Gina DeJesus, for whom the act is named, as well as the minor child born to one of the victims, who were held against their will in a residence located in Cuyahoga County.

Reparations payments

The bill requires the Attorney General to award a survivor of abduction \$25,000 annually for a period of years lasting at least the number of years that the survivor was restrained. The table below illustrates the potential award of the four initial claims that could be made and the total amount estimated at \$896,000 that would be encumbered if all the claims are granted.¹ These funds would be payable from the Victims of Crime/Reparations Fund (Fund 4020). Once a claim is made, investigated, and subsequently approved, the full amount of the award would be encumbered and then paid out annually for the time period specified in the claim.

¹ The bill requires the award amount to be adjusted downward to reflect any reimbursement that the victim may already have been awarded from Fund 4020 for qualifying expenses related to their kidnapping. Under current law, a victim may apply for up to \$50,000 in reimbursement for out-of-pocket costs.

Potential Award Amounts for Initial Claims of Survivors of Abduction			
Claimant	Time Period Qualifying for Survivor of Abduction Status*	Annual Award	Total Potential Award (prorated)
Jane Doe 1	10.71 years (August 22, 2002 – May 6, 2013)	\$25,000	\$267,750
Jane Doe 2	10.04 years (April 21, 2003 – May 6, 2013)	\$25,000	\$251,000
Jane Doe 3	9.09 years (April 2, 2004 – May 6, 2013)	\$25,000	\$227,250
Child of Jane Doe 2	6 years (birth date unknown)	\$25,000	\$150,000
Total Amount to be Encumbered from Fund 4020			\$896,000

* Dates were obtained from the grand jury indictment against Ariel Castro in the Cuyahoga County Court of Common Pleas, June 7, 2013.

Cleveland State University (CSU) tuition and other expenses

The bill establishes, within CSU, the Survivors of Abduction Educational Assistance Program to provide academic services and instruction to any survivor of abduction as defined by the bill. Under the program, CSU is required to assist each survivor in the admissions process and to provide five academic years of instruction at no cost to the survivor. If a survivor of abduction enrolls at CSU, the university will incur a loss in revenue equal to the forgone tuition and fees that would have otherwise been paid by the student. In FY 2012, the average annual tuition and general fees at CSU were \$9,002. CSU is also required to coordinate remedial instruction with a local community college at no cost to the survivor if the survivor needs that instruction. The bill does not specify whether CSU or the local community college will cover the cost of any remedial education.

The bill also directs the Chancellor of the Board of Regents to provide funding to CSU to cover the living expenses of survivors of abduction for each semester the survivor is enrolled at the institution. The Chancellor will incur expenses if a survivor of abduction enrolls in CSU equal to the amount determined necessary to cover these expenses. It is unclear what funding source the Chancellor may use to provide this funding.

Health care expenses

The bill permits, on an annual basis, a survivor of abduction to submit to the Governor an accounting of the survivor's physical and mental health care expenses for the immediate preceding 12-month period, as well as a description of any anticipated physical and mental health care needs for the next year. The bill requires the Governor to review the information submitted and determine an amount to be provided to the survivor to meet anticipated expenses and needs for the next year in the form of reimbursement for co-pays or premium assistance. The bill is silent as to the funding source for the amount to be provided.