



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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

**Date:** June 18, 2013

**Status:** As Introduced

**Sponsor:** Rep. Barnes

**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 \$896,000. The Attorney General may incur a no more than minimal one-time cost to investigate these claims. The likelihood that other individuals could become eligible for these awards in the future is uncertain.
- **State Institutions of Higher Education and Board of Regents.** A state institution of higher education admitting a survivor of abduction will incur a loss of tuition and fees for up to five years of undergraduate study, and the Board of Regents will incur additional expenses to cover the cost of living expenses for a survivor of abduction enrolled at a state institution of higher education.
- **Medicaid.** The bill will result in a minimal one-time increase in administrative costs for the Office of Medical Assistance to seek federal approval of a waiver permitting a survivor of abduction to receive Medicaid for the duration of the survivor's life. If the Medicaid waiver were approved, the federal government would reimburse the state for approximately 64% of the cost of the Medicaid services provided under the waiver.

### Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

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## 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), state institutions of higher education, and Medicaid.

### Survivor of abduction

The bill defines a "survivor of abduction" as a person who is the victim of a violation of R.C. 2905.02 (abduction) and who has been restrained or held in a condition of involuntary servitude for a period of at least eight years and who subsequently regains freedom. A "survivor of abduction" also includes any child born as a proximate result of such a violation to the person who was the victim of that violation and who is a "survivor of abduction."

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. However, it is possible that, in the future, additional crime victims could come forward who would also meet the definition of a "survivor of abduction." For the purposes of this analysis, however, only the state benefits available to these four victims pursuant to the bill will be discussed.

### 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 or held in a condition of involuntary servitude. These funds would be payable from Fund 4020 administered by the Attorney General. 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. The table below illustrates the potential award of the four initial claims that could be made and the total amount that would be encumbered if all the claims are granted. The likelihood that other individuals could become eligible for these awards in the future is uncertain.

<b>Potential Award Amounts for Initial Claims of Survivors of Abduction</b>			
<b>Claimant</b>	<b>Time Period Qualifying for Survivor of Abduction Status*</b>	<b>Annual Award</b>	<b>Total Potential Award (prorated)</b>
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
<b>Total Amount to be Encumbered from Fund 4020</b>			<b>\$896,000</b>

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

### **State university or college tuition and other expenses**

The bill prohibits any "survivor of abduction" admitted to a state institution of higher education from being charged tuition or fees for up to five years of undergraduate study. Institutions of higher education that admit a survivor of abduction will see a loss in revenue equal to these forgone tuition and fees. In FY 2012, the weighted average annual tuition and general fees at a state university was \$9,510 and at a state community college was \$6,702.

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

### **Medicaid waiver**

The bill requires the Medical Assistance Director to seek a waiver from the U.S. Department of Health and Human Services that would authorize a "survivor of abduction" to receive Medicaid services for life. This will result in a minimal increase in administrative costs to the Office of Medical Assistance to apply for the Medicaid waiver. The Medicaid waiver would require federal approval by the Centers for Medicare and Medicaid Services before it could be implemented in Ohio. If the Medicaid waiver were approved, the federal government would reimburse the state for approximately 64% of the cost of the Medicaid services provided under the waiver. Most adults and children on Medicaid in Ohio are covered under managed care. The average annual cost for parents and children in the Medicaid Program was \$3,420 in FY 2012.