



Ohio Legislative Service Commission

Garrett Crane

Fiscal Note & Local Impact Statement

Bill: H.B. 383 of the 130th G.A.

Date: May 20, 2014

Status: As Introduced

Sponsor: Rep. Grossman

Local Impact Statement Procedure Required: No

Contents: Issuance of investigative subpoena

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- The magnitude of any increase in the annual operating costs of local criminal and juvenile justice systems will depend upon the frequency with which a local prosecutor's use of the bill's investigative subpoena authority results in an arrest and conviction that might not otherwise have occurred under current law.

Detailed Fiscal Analysis

The bill allows the issuance of an investigative subpoena for any criminal offense and adds the chief legal officer of a municipal corporation to the list of persons who may issue a subpoena. Current law permits the prosecutor of a county to issue an investigative subpoena for a felony offense.

It appears that, under current law, the absence of this subpoena authority can make the investigation of certain alleged misdemeanor offenses and the subsequent prosecution and conviction of the offender(s) problematic. Local prosecutors have noted in conversations with LSC fiscal staff that: (1) there can be difficulties encountered when investigating online behaviors known as cyberstalking, cyberharassment, and cyberbullying, and (2) the bill will give them a tool for gathering evidence from individuals and entities that currently have no incentive, desire, or requirement to do so. As a result, local prosecutors may be in a stronger position to prosecute certain conduct in the future. The local costs for counties and municipalities annually will depend on the frequency that the subpoena is successfully used to convict and sanction offenders.