# Ohio Legislative Service Commission

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# Fiscal Note & Local Impact Statement

**Bill**: Am. S.B. 361 of the 130th G.A. **Date**: December 8, 2014

**Status**: As Passed by the Senate **Sponsor**: Sen. Seitz

**Local Impact Statement Procedure Required**: No

**Contents**: Mental culpability for criminal offenses

## State Fiscal Highlights

- No direct fiscal effect on the state.

## Local Fiscal Highlights

- The bill's potential annual effect on local criminal justice system revenues and expenditures will be negligible.

## Detailed Fiscal Analysis

The bill requires that every new criminal offense, enacted on or after its effective date, have a specified degree of mental culpability or it is void. As this provision will not affect existing criminal offenses or create any new criminal cases, it will have no direct fiscal effect on the state or local criminal justice systems.

The bill also modifies current law by providing that when the language defining the elements of a criminal offense does not specify the degree of mental culpability or impose a strict liability standard, the element of the offense is established only if a person is proven to act recklessly. As a result of this modification, there could be a slight reduction in the number of cases prosecuted. This is because there may be a relatively small number of circumstances in which the standard of criminal culpability is unclear, and recklessness is not present. The potential annual effect of this provision on local criminal justice system revenues and expenditures will be negligible.

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