
Detailed Fiscal Analysis

Potentially, the number of people charged and convicted of a fifth degree felony for either menacing by stalking or telephone harassment could increase. Currently, a repeat violation of these crimes results in a fifth degree felony charge, but only if the crime involves the same victim. A first time offender is charged with a misdemeanor of the first degree. A serial stalker or telephone harasser could not be charged with a stronger repeat violation if none of the victims were earlier victimized. This bill would allow a repeat offender to be sentenced to the longer term even if the victim is not the same from the earlier offense.

This bill should affect very few individuals. The Franklin County Prosecutor's Office has indicated that they have not yet prosecuted anyone for a repeat offense of menacing by stalking. Stalkers tend to repeat the crime upon a single victim. But, this bill eliminates a potential loophole that exists for other victims. Prosecutors in Franklin and Cuyahoga counties also expressed a belief that removing the repeat offense loophole from the offense of telephone harassment could possibly have a strong deterrent effect that might diminish the number of individuals violating this statute.

On the local level, the fiscal effect is a shift in the burden from municipalities to counties. The increased number of offenders charged with felonies will provide additional fine and court cost revenue to the counties at a rate that is higher than what is lost from just the municipalities diminished court cost revenues. Fine revenue generated by violating state law, felony or misdemeanor, is revenue for the counties. Municipalities will also be relieved of the expenditures related to the adjudication, prosecution, indigent defense and sanctioning of the repeat offenders who are currently charged with misdemeanors.

As a result of the bill, counties and the common pleas courts that handle felony matters may pick up a few criminal cases that shift out of municipal and county courts. As the number of cases that may be affected by the bill annually is so small, any fiscal effect on county expenditures will most likely be minimal. Counties would also see potentially higher court cost and fine revenues. Individuals convicted of a repeat offense of either of these crimes face a maximum fine of \$2,500 while first time offenders face fines of only \$1,000. These are maximum amounts and do not reflect the average amount of fine revenue generated per offense. Court cost and fine revenue cannot be collected from indigent offenders. Annual county court cost and fine revenue may rise, but that annual gain should be minimal given the small number of affected criminal cases.

The fiscal effects on the state should be negligible. The cost of defending an indigent on a felony is higher than if the charge were a misdemeanor. Counties provide for indigent defense, but the state uses the GRF to reimburse counties for up to fifty percent of expenses. Also, individuals charged with felonies pay higher state court costs that are deposited into the Reparations Fund, which supports the state's Victims of Crime program. Felons pay \$30, while misdemeanants only pay \$9. Eleven dollars is also collected from both felons and misdemeanants as part of state court costs to support the state's subsidization of local indigent defense. These changes will not affect the amount raised for county reimbursements.

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