



OHIO LEGISLATIVE SERVICE COMMISSION

Jessica Murphy

Fiscal Note & Local Impact Statement

Bill: H.B. 19 of the 132nd G.A.

Status: As Introduced

Sponsor: Reps. Blessing and Landis

Local Impact Statement Procedure Required: No

Subject: Arson resulting from manufacturing controlled substances

State and Local Fiscal Highlights

- It is possible that a relatively small number of offenders will serve longer prison terms than otherwise might have been the case under current law and practice. The additional annual incarceration costs for the Department of Rehabilitation and Correction are likely to be minimal at most.
- The arson charge may extend the amount of time and effort that a county criminal justice system might otherwise have spent in resolving a relatively small number of illegal manufacturing cases. Any additional costs will be minimal at most annually.
- The cost of the additional work required of county sheriffs and the Bureau of Criminal Investigation to potentially register a small number of arson offenders each year, as well as the amount of registration fee revenue generated, will be negligible.

Detailed Fiscal Analysis

The bill expands the offense of arson by prohibiting a person from recklessly causing harm, by fire or explosion, to certain types of property, while manufacturing or attempting to manufacture a controlled substance. A violation of the prohibition generally is a first degree misdemeanor, but elevates to a fourth degree felony if the value of the property or damage is \$1,000 or more. Under current law, an arson offender is required to register with the county sheriff for inclusion in the arson offender registry.

Arson offense expansion

This prohibition is most likely to be applicable in circumstances where, under current law, an individual is already going to be charged with illegal manufacturing or attempting to manufacture a controlled substance. The penalty for such manufacturing violations generally is either a second or third degree felony with a mandatory or presumptive prison term. In the case of an "attempt," the offense generally is an offense of the next lesser degree than the offense attempted.

Under current practice, it appears that, in the above-described circumstances, some local prosecutors are already charging an individual with arson; other local prosecutors apparently do not file an arson charge, as it is unclear that the offense applies. The bill will make it easier for certain prosecutors to file arson charges and secure convictions than otherwise might have been the case under current law and practice. The number of cases in which individuals are going to be charged with both an offense of manufacturing or attempting to manufacture and an offense of arson is likely to be relatively small in any given local jurisdiction.

Thus, the expansion of the offense of arson will affect the processing of cases that would already involve criminal conduct under current law. Offenders charged with violating the bill's prohibition will be involved with other related crimes that carry a much more serious felony charge; therefore, the offense of arson would essentially be a "stack on" charge to the underlying felony drug offense. This may extend the time and effort required to prosecute, defend, and adjudicate the case, with any additional associated annual cost being minimal at most.

There is a possibility that the additional charge of arson would be used in the bargaining process to induce the accused to plea in some manner, the result of which might be a longer prison term for the underlying drug offense. As this outcome is likely to affect a relatively small number of offenders sentenced to prison in any given year, the additional incarceration costs will be minimal at most for the Department of Rehabilitation and Correction.

Arson registry

Under current law, an arson offender is required to register with the county sheriff. The initial registration fee is \$50 and \$25 annually thereafter. The fee is forwarded to the Attorney General and used by the Bureau of Criminal Investigation (BCI), which is required to establish and maintain a Registry of Arson Offenders and Out-of-State Arson Offenders. Violations of the bill's prohibition may generate a few additional arson offenders registering each year. The cost of the additional work required of the county sheriffs and BCI, as well as the amount of fee revenue generated, will be negligible annually.