



# OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 255 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Rep. Hambley

**Local Impact Statement Procedure Required:** No

**Subject:** Township officer arrest authority on interstate highways

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### State Fiscal Highlights

- The bill's township arrest authority provisions may generate additional state court cost revenue, largely collected from traffic law violators, and apportioned between certain state funds.<sup>1</sup>

### Local Fiscal Highlights

- Certain townships may experience a no more than minimal annual increase in enforcement costs, particularly if a citation issued on an interstate highway is contested thereby requiring the township officer to appear in court. Any such increase may be offset to some degree by the sharing of fine revenue from certain traffic violations between the township and the county where the violation occurred.
- Any additional costs incurred by a county or municipality, including case processing by the traffic violations bureau, are likely to be at least partially offset by the collection of court costs, fees, and fines.

### Detailed Fiscal Analysis

The bill expands the authority of certain townships to make arrests on interstate highways, and prohibits any township from using a traffic law photo-monitoring device to enforce traffic violations on an interstate highway.

#### Township arrest authority

Under current law, a township with a population greater than 50,000 has the authority to enforce traffic laws on state highways, National Highway System highways, and interstate highways within the territory of the officer, while a township with a population of 50,000 or less only has the authority to enforce traffic laws on state highways and National Highway System highways that are not interstate highways

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<sup>1</sup> State court costs collected from moving violations generally are apportioned between the Victims of Crime/Reparations Fund (Fund 4020), the Indigent Defense Support Fund (Fund 5DY0), the Drug Law Enforcement Fund (Fund 5ET0), and the Justice Program Services Fund (Fund 4P60).

within the territory of the officer. Current law also permits townships to enforce traffic laws on the portion of any street or highway that is located immediately adjacent to the territory of the officer, but prohibits the enforcement of such laws on interstate highways by townships with a population of 60,000 or less. The bill reduces the population threshold for a township to have the authority to enforce traffic laws on interstate highways within the territory of the officer from greater than 50,000 to greater than 5,000, and on immediately adjacent interstate highways from greater than 60,000 to greater than 5,000, thereby increasing the number of townships that would have the authority to enforce traffic laws on interstate highways.

According to 2015 U.S. Census estimates, of Ohio's 1,308 townships, one has a population of more than 60,000, seven have a population of more than 50,000, and 268 have a population of more than 5,000. There are currently 97 township police departments and no joint police districts. Under the bill, township officers representing a township with a population that is greater than 5,000 and whose territory includes or is immediately adjacent to a portion of an interstate highway will have specified vehicle-related offense enforcement authority. There are 21 interstate highways in Ohio. LSC research suggests that there are approximately 23 townships that have a population greater than 5,000, a township police department, and a portion of interstate highway running through or immediately adjacent to the township.

Based on conversations with township law enforcement officials, the bill's arrest and enforcement authority changes are not expected to have a discernible impact on any given township's law enforcement costs. Current practice indicates that law enforcement officers of at least some, if not all, of the townships that may be affected by the bill are already dispatched to respond to incidents on interstate highways as part of an agreement with the Ohio State Highway Patrol, however, due to current law's population restrictions, they must wait at the scene for the Patrol to arrive to take enforcement action unless there is an underlying criminal offense. As such, those townships will not incur any additional costs to exercise the bill's enforcement and arrest authority over the portions of interstate highway that are in or immediately adjacent to the township. If a township eligible to exercise the bill's enforcement and arrest authority on an interstate highway does not currently have such an agreement with the Patrol and chooses to exercise that authority, that township may experience a no more than minimal increase in enforcement costs, particularly if a citation issued on an interstate highway is contested thereby requiring the township officer to appear in court.

To the extent that any additional costs are incurred by a county or municipality, including case processing by the traffic violations bureau, they are likely to be at least partially offset by the collection of court costs and fees. Townships use the Ohio Revised Code when citing for traffic offenses. As such, the fine revenue generated from citations for moving and equipment violations issued by township police officers as a result of enforcing traffic laws on interstate highways will be split equally between the township where the violation occurred and the county where the violation occurred. Under

current law, unchanged by the bill, all of the fine revenue generated from speeding violations issued by township officers on interstate highways goes to the county for highway purposes. A violator will also be required to pay state court costs, which for a moving violation total \$37.50, and are apportioned between four state funds: the Victims of Crime/Reparations Fund (Fund 4020), the Indigent Defense Support Fund (Fund 5DY0), the Drug Law Enforcement Fund (Fund 5ET0), and the Justice Program Services Fund (Fund 4P60).

### **Photo-monitoring devices**

The bill's traffic law photo-monitoring device prohibition will have no impact, as neither of the two townships that currently utilize such devices deploys them on an interstate highway because the population of each does not meet the current law threshold for traffic law enforcement on interstate highways.