



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 56 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Reps. Dever and Gavarone

**Local Impact Statement Procedure Required:** No

**Subject:** Criminal records expungement and intervention in lieu of conviction

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### State & Local Fiscal Highlights

- An expected small increase in the number of persons eligible to apply for records expungement each year may generate, at most, a minimal amount of related application fee revenue for crediting to the state's General Revenue Fund (GRF).
- The records expungement provision will have a minimal annual fiscal effect on local criminal and juvenile justice systems, as there will be some gain in fee revenues and a minimal increase in time and effort for courts to expunge additional delinquency and criminal records.
- There may be a relatively small increase in the number of persons granted intervention in lieu of conviction, the cost of which for any given county or municipality is likely to be no more than minimal annually.

### Detailed Fiscal Analysis

The bill (1) allows for expungement of any conviction records, other than a conviction record that cannot be sealed under current law,<sup>1</sup> if a person is convicted of certain sex offenses resulting from being a human trafficking victim, (2) provides for the expungement of any human trafficking-related offense that did not result in conviction and establishes a procedure to approve or deny expungement, and (3) authorizes intervention in lieu of conviction for certain offenses committed while a victim of compelling prostitution.

According to data collected and then reported in the Attorney General's Human Trafficking Commission's annual reports indicate that the number of potential victims of human trafficking identified by law enforcement in recent years are as follows: 151 (2016), 203 (2015), 181 (2014), and 23 (2013).<sup>2</sup> This data suggests that, relative to the

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<sup>1</sup> See R.C. 2953.36 for a complete list of exceptions.

<sup>2</sup> It is important to note that 2013 was the first year in which local law enforcement were required to collect certain information related to human trafficking investigations and forward it to the state's Bureau of Criminal Investigation.

existing size of the state and local criminal and juvenile justice systems, changing their respective operations strictly related to victims of human trafficking will generate minimal annual fiscal effects.

### **Expungement of delinquency and criminal records**

The bill broadens the scope of records that may be expunged for a person (adult or juvenile) convicted of solicitation, loitering to engage in solicitation, or prostitution as a victim of human trafficking. Under current law, any person convicted of these offenses as a victim of human trafficking may apply to the sentencing court for the expungement of these specified records. Under the bill, a person convicted of these offenses may apply to the sentencing court for the expungement of any record of conviction, other than a conviction record that cannot be sealed under current law, if participation in the offense is a result of the person being a victim of human trafficking.

Under the bill, a relatively small number of additional persons may be eligible to apply for expungement. Expungement applicants, unless indigent, are required to pay a \$50 fee. The \$50 application fee is divided between the state GRF (\$30) and the county or municipality (\$20). The annual costs for local criminal and juvenile justice systems to handle a potential increase in expungement requests will be minimal at most, with the application fee likely to offset all, or some portion, of those costs.

The bill also establishes a procedure to approve or deny an application to expunge the aforementioned records, including notice to the prosecutor, a hearing, and determination by the court. Given the relatively small number of new records eligible for expungement under the bill, any additional costs for local sentencing courts will be minimal at most annually.

### **Intervention in lieu of conviction**

The bill allows a victim of compelling prostitution to request intervention in lieu of conviction (ILC) when charged with certain offenses<sup>3</sup> in the same manner as current law provides when certain factors may have led to the offense: alcohol or drug usage, mental illness, intellectual disability, or the offender was a victim of human trafficking. LSC conversations with subject matter experts suggest that victims of compelling prostitution may already commonly be granted ILC at the judge's discretion, indicating the bill is widely codifying current practice in this regard. This suggests that any cost for any given municipality or county will be minimal annually, as the likely number of additional persons granted ILC would be relatively small.

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<sup>3</sup> These offenses include: theft, unauthorized use of a motor vehicle, passing bad checks, misuse of credit cards, forgery, and/or nonsupport or contributing to nonsupport of dependents.