



# OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 63 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Rep. Hughes

**Local Impact Statement Procedure Required:** No

**Subject:** Mandatory additional prison term for felonious assault resulting in permanent, serious disfigurement

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### State and Local Fiscal Highlights

- Approximately five years after the bill's effective date, the annual GRF incarceration costs for the Department of Rehabilitation and Correction will begin to increase before peaking at an estimated \$6.5 million annually approximately 11 years after the bill's effective date.
- No direct fiscal effect on political subdivisions.

### Detailed Fiscal Analysis

The bill requires the court to impose an additional prison term of 5 to 20 years if an offender is convicted of, or pleads guilty to: (1) felonious assault and (2) a specification that the victim suffered a permanent, serious disfigurement or substantial incapacity, or the offender used an accelerant in committing the offense. The fiscal result will be annual increases in the Department of Rehabilitation and Correction's (DRC) GRF incarceration expenditures that peak at about \$6.5 million approximately 11 years or so after the bill's effective date.

The most recently compiled data on offenders sent to prison in calendar year 2015 indicates that up to about 36 offenders, or 0.2%, out of a total intake population of 19,844, were convicted of felonious assault in which the victim required in-patient hospitalization and sustained the required injuries such that the offender may qualify for the criminal sentencing specification. Upon review of sentencing data for felonious assault, DRC estimates that, in the future, these offenders will serve an average of 7.3 additional years as a result of the specification. This will increase the prison population such that, roughly five years or so after the bill's effective date, DRC will begin to add beds each year until peaking at 263 (36 x 7.3 years). At the current annual incarceration cost of \$24,763, the annual cost of those additional beds totals \$6.5 million (\$24,763 x 263 beds).

In effect, by extending prison stays beyond what the amount of time served would otherwise have been under current law, the bill will trigger a "stacking effect," which refers to the increase in the prison population that occurs as certain offenders

currently serving time stay in prison longer while the number of new offenders entering the prison system does not decrease. Typically this "stacking" process will stabilize when the number of offenders who begin serving their additional time is about the same as the number leaving prison after serving their additional time. Since these offenders are in prison for the underlying felonious assault conviction to begin with, the fiscal effect created by the bill will not begin to occur for about five years or so following its effective date and then peak about 11 years or so after the bill's effective date.

Additionally, there is also a possibility that the presence of the criminal sentencing specification will be used in the likely bargaining process between the prosecution and defense counsel that could, in exchange for a plea, reduce the maximum potential prison term. To the extent this occurs, the bill's impact on beds and related costs is reduced as well.

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