



OHIO LEGISLATIVE SERVICE COMMISSION

Robert Meeker

Fiscal Note & Local Impact Statement

Bill: H.B. 64 of the 132nd G.A.

Status: As Introduced

Sponsor: Reps. Schuring and Reece

Local Impact Statement Procedure Required: No

Subject: Mistaken identity expungement mechanism

State and Local Fiscal Highlights

- The bill's mistaken identity expungement mechanism will generate minimal annual expenses for the state and local criminal justice systems that likely can be handled with existing staff and resources.

Detailed Fiscal Analysis

The bill requires law enforcement agencies, prosecutors, courts, and other government agencies to take certain actions to ensure the expungement of any official records related to the apprehension, arrest, charging, or trial of a person for a criminal offense based on mistaken identity.

When an arrest is made, but no charges are filed, the bill requires a law enforcement agency to notify the appropriate prosecutor. The prosecutor must notify the court in which the case would have been heard. When a charge is filed, but dismissed, the prosecutor must notify the court in which the charge was pending. When a court is notified the court is required to issue an order directing that all official records relating to the case be expunged. The court is also required to issue an order to the Bureau of Criminal Identification and Investigation directing that DNA-related official records relating to the mistaken identity activity against the person that the Bureau possesses be expunged.

As a result of the bill, law enforcement agencies, prosecutors, and criminal courts (common pleas, county, municipal, and mayor's courts) will have additional work related to notification and expungement of records. However, because the bill's requirements are limited to cases of mistaken identity, the additional workload is expected to be undertaken without the need for additional staff.

The court, when notified by the prosecutor of a case of mistaken identity, is required to issue an order to any public office or agency that may have records which relate to the mistaken identity activity requiring the agency to expunge all records relating to the mistaken identity activity.

State and local agencies will incur additional costs related to the expungement of additional records, however, the increase will be handled with existing staff and resources based on the expected relative infrequency of expungement orders based on mistaken identity.

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