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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 431
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsors: Reps. Abrams and Carfagna

Local Impact Statement Procedure Required: No

Jessica Murphy, Budget Analyst

Highlights

- The bill appropriates GRF of \$170,000 in FY 2020 and \$20,000 in FY 2021 for the purposes of assisting the Office of the Attorney General with absorbing the associated one-time and ongoing costs of establishing and maintaining the Sexual Exploitation Database.
- Any workload increase for the clerks of courts to provide the Attorney General with conviction records of certain prostitution offenders for entry into the database will be incorporated into their current duties utilizing existing staff and resources. Those costs are likely to be minimal.

Detailed Analysis

The bill requires the Attorney General to establish and maintain the Sexual Exploitation Database of certain convicted prostitution offenders. The conviction record of any individual convicted of or pleading guilty to either promoting prostitution or certain circumstances of soliciting sexual activity for hire will be entered into the Sexual Exploitation Database.

In calendar year (CY) 2020, the Ohio Office of Criminal Justice Services published a report that examines trends in prostitution-related offenses using data entered in the Ohio Incident-Based Reporting System (OIBRS) from CY 2011 through CY 2016. According to the report, of all prostitution-related offenses, "solicitation" is reported at the highest rate, with an

average of 10.3 incidents per 100,000. Comparatively, “promoting prostitution” occurred at a much lower rate, at 0.45 individuals per 100,000.¹

Attorney General

The Office of the Attorney General will experience a one-time cost to design and build the Sexual Exploitation Database as well as some administrative costs to adopt rules and prescribe forms for its establishment and operation. Under the bill, the rules and forms must include procedures for an offender to be removed from the Database and the conditions under which an application would be approved or denied. If five years have elapsed since the prostitution offender’s most recent conviction of a prostitution offense, the offender is automatically removed from the Database without submitting an application to be removed. There will be some ongoing costs related to entering a qualifying offender’s information into the Database, as well as the work associated with any removals.

According to the Attorney General, the Sexual Exploitation Database would likely be designed and maintained by Watch Systems, the vendor that currently contracts with the Attorney General to operate the violent offender database, and sex offender and arson registries. For the purposes of assisting the Attorney General with absorbing the associated one-time and ongoing costs, the bill appropriates GRF of \$170,000 in FY 2020 and \$20,000 in FY 2021.

Clerks of court

Courts will be responsible for forwarding conviction information to the Attorney General’s Bureau of Criminal Investigation (BCI). This information will be sent in one of three ways: (1) manually (written on a form issued by BCI), (2) electronically through an FTP (file transfer protocol), or (3) electronically through the Ohio Supreme Court’s Ohio Courts Network (OCN). Many courts currently send information to BCI using automated criminal justice information systems.

Under current law, courts are responsible for ensuring that BCI receives a weekly report containing a summary of certain felony and misdemeanor cases, including the two prostitution offenses addressed by the bill. However, the bill may result in some increase in administrative costs to local criminal justice systems due to expanded reporting requirements, as certain information constituting a conviction record, such as a colored photograph of the offender, would otherwise not be reported.

It appears, generally, that any workload increase for clerks of courts to provide the Attorney General with conviction records of certain prostitution offenders for entry into the Sexual Exploitation Database, as required by the bill, will be incorporated into their current duties utilizing existing staff and resources.

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¹ Nicholson, Kristina C., M.S. *Human Trafficking and Related Offenses*, Ohio Office of Criminal Justice Services, Department of Public Safety. https://www.ocjs.ohio.gov/links/Human_Trafficking_and_Related_Offenses.pdf. Accessed February 2020.