



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 87
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 87's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Rep. Antani

Local Impact Statement Procedure Required: Yes

Robert Meeker, Budget Analyst

Highlights

- The records sealing provision could have a significant annual fiscal effect on local criminal justice systems, as there will likely be a more than minimal increase in time and effort for courts to seal and redact additional criminal records. These additional costs will be offset somewhat by an expected increase in fee revenues from record sealing application fees, with an indeterminate net effect.
- An expected increase in the number of persons eligible to apply for records sealing each year may generate, at most, a minimal amount of related application fee revenue to be credited to the state's General Revenue Fund (GRF).

Detailed Analysis

The bill allows the sealing of criminal records pertaining to charges dismissed due to successful completion of an intervention plan when a person is charged with multiple offenses related to the same act, and the final disposition of one, and only one, of the charges is a conviction for operating a vehicle while under the influence of alcohol, a drug of abuse, or both (OVI) or having physical control of a vehicle while under the influence.

Based on conversations with court professionals, the bill has the potential to create a potentially significant administrative burden on the courts because they would be required to redact certain records attached to an OVI conviction which may not be sealed under current and continuing law. The annual cost of that redaction work for any given court is not readily quantifiable, thus it is indeterminate.

The volume of cases affected is uncertain, however, the following table shows the number of OVI cases handled by municipal, county, and mayor's courts from 2013 through 2017 along with the total civil and criminal caseload in those courts as reported by the Supreme Court. OVI case filings make up nearly 3% of new filings in those courts annually.

Incoming Cases in Municipal, County, and Mayor's Courts, 2013-2017					
Incoming Cases	2013	2014	2015	2016	2017
OVI	72,413	71,917	69,927	71,436	74,658
Overall Caseload*	2,857,982	2,795,555	2,663,938	2,680,830	2,746,340
% OVI	2.5%	2.6%	2.6%	2.7%	2.7%

*Includes all criminal and civil case filings

While not every OVI case will involve secondary charges which may be subject to sealing under the bill, the data on OVI caseloads indicates that thousands of cases statewide could be impacted by the bill each year.

Record sealing applicants, unless indigent, are required to pay a \$50 fee. The \$50 application fee is divided between the state GRF (\$30) and the county general revenue fund (\$20). An increase in the number of applications for record sealing will result in an increase in revenue to those funds for all cases in which the applicant is not found to be indigent. Whether the fee will offset all, or some portion, of the court's administrative work is uncertain.