



# Office of the Ohio Public Defender

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*Timothy Young, State Public Defender*

## **Testimony as an Interested Party of SB158 Combatting Elder Fraud Sponsor Senator Wilson**

Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to testify on behalf of the Ohio Public Defender as an interested party of SB158. I am Niki Clum, the legislative liaison for the OPD.

While the Ohio Public Defender appreciates that SB158 does not seek to impose mandatory prison time or increase the amount of possible incarceration for individuals convicted of a theft related offense when the victim 65-years or older – the OPD has concerns about the fiscal impact of SB158.

As this committee knows, SB158 makes additional individuals, mainly those that work in financial services, mandatory reporters of suspected abuse, neglect, or exploitation of an adult. In their fiscal analysis, the Legislative Services Commission posits that will increase the number of investigations that must be conducted by county department of job and family services, increasing their administrative cost. The intention of the bill is to offset the cost by increasing the maximum fine to \$50,000 when an individual is convicted of theft related offenses and the victim is 65-years-old or older. LSC acknowledges in their fiscal analysis that “collecting court costs, fees, fines, and restitution from offenders can be problematic, as many are financially unable or unwilling to pay.” OPD agrees with this point. Therefore, administrative cost will increase for county job and family services, but there is unlikely to be additional funding to offset those cost.

Socioeconomic status is one of the factors with the strongest correlation to criminal convictions.<sup>1</sup> Indigent people are more likely to be arrested, charged, and convicted of offenses.<sup>2</sup> Whether the fine is \$50,000 or a lesser amount, it is unlikely that an indigent individual will have the means to pay any amount. Additionally, any funds that the individual can pay should be used as restitution so that the victim can be made whole. Therefore, SB158 will increase administrative costs to counties, and will not provide an income source to offset those costs.

Thank you for the opportunity to testify in as an interested party regarding SB158.

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<sup>1</sup> David Newman, editor of *Sociology: Exploring the Architecture of Everyday Life* (2010), quoted in *Socioeconomic Status and Crime*, March 30, 2014 <https://www.ultius.com/ultius-blog/entry/socioeconomic-status-and-crime.html>

<sup>2</sup> *Id.*

