



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: S.B. 160 of the 129th G.A.

Date: March 19, 2012

Status: As Introduced

Sponsor: Sens. Bacon and Hughes

Local Impact Statement Procedure Required: No

Contents: Release of prisoners and victim's rights

State Fiscal Highlights

STATE FUND

FYs 2013 – FUTURE YEARS

General Revenue Fund (GRF)

Revenues

- 0 -

Expenditures

- (1) Potential one-time costs to reprogram certain information systems;
- (2) Rise in post-release control costs, peaking at around \$6.4 million or more per year by FY 2022;
- (3) Minimal ongoing victim notification costs

Note: The state fiscal year is July 1 through June 30. For example, FY 2013 is July 1, 2012 – June 30, 2013.

- **Post-release control.** Approximately ten years after the bill becomes effective, 7,000 additional offenders will be under post-release control supervision annually, which will increase the Department of Rehabilitation and Correction's GRF operating expenditures by around \$6.4 million or more per year.
- **Victim notifications.** The bill makes changes to the manner in which the departments of Rehabilitation and Correction and Youth Services provide victim notifications. There may be one-time costs associated with reprogramming the information systems that govern the notification process. Other costs associated with additional notifications and postage will be minimal.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2012 – FUTURE YEARS

Counties (prosecutors and sheriffs)

Revenues

- 0 -

Expenditures

Potential minimal annual increase to certain criminal justice system components

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **County prosecutors.** The bill creates some additional workload and administrative burdens for county prosecutors to notify victims under certain circumstances, but these costs will not exceed minimal in any given county, and should be readily absorbed into the ongoing cost of doing everyday business.
- **County sheriffs.** The bill might subject, at most, a few additional offenders to the Sex Offender Registration and Notification (SORN) Law annually statewide, and the fiscal impact on any given county sheriff's department will be negligible.

Detailed Fiscal Analysis

State fiscal effects

Post-release control

The bill expands the categories of prisoners for whom post-release control is mandatory upon release, as well as the duration of any such monitoring. As a result, additional offenders who committed offenses of violence that are felonies of the first, second, or third degree will be subject to five years of post-release control, while certain other violent offenders will be subject to three years of post-release control. The result will be an increase in the number of offenders being subject to community supervision by the Department of Rehabilitation and Correction's (DRC) Adult Parole Authority (APA). Roughly ten years after the bill's effective date, approximately 7,000 additional offenders will be under post-release control supervision annually. In order for such supervision to occur, approximately 93 additional parole officers will be hired over this ten-year period. At a current annual salary with benefits of about \$69,330, the total annual increase in GRF operating expenses for these new parole officers will be \$6,447,690 (93 x \$69,330). Additional costs will also likely be incurred to support, house, and equip these new parole officers.

Notification changes

The bill amends the process of notifying victims, and other required parties, of changes in the incarceration status of certain offenders. Both DRC and the Department of Youth Services (DYS) currently provide a variety of such notifications to statutorily required parties and victims that request to be notified. The bill requires more timely notifications to prosecuting attorneys, presiding judges, and victims of any recommendations for pardon, parole, or commutation of the sentence of any adult or juvenile offender incarcerated for an offense of violence that is a felony of the first, second, or third degree. The bill mandates notification to victims regardless of whether the victims requested notification. These modifications to the timing of notifications also incorporate offenders being moved into transitional control, and the posting of releases or other changes in inmate sentences to the Internet database maintained by the Department.

These changes to the timing of the various notifications are not a major fiscal concern for DRC or DHS. There may be some minimal increase in costs related to locating victims that have not provided contact information, as well as one-time costs associated with reprogramming the computers that govern the notification process, all of which would likely be absorbed into the daily cost of doing business.

Victim conferences

The bill requires the APA to adopt rules providing for victim conferences prior to a parole hearing for prisoners incarcerated for certain felony offenses of violence. As

the APA already has some ability to hold conferences as requested, it is not anticipated that complying with this requirement will be costly.

Required reporting

The bill requires DRC to submit reports on a monthly basis to county prosecutors, and on a quarterly basis to the chairs of the House and Senate criminal justice committees in the General Assembly that list those inmates incarcerated for certain qualifying offenses who were either granted parole or some other type of release, and a summary of the terms and conditions of that release or parole. DRC's capability to generate reports is currently computer automated; thus, there may be minimal one-time costs associated with any reprogramming necessary for this report generation process.

Parole Board guidelines

The bill requires DRC to adopt rules prohibiting the Parole Board from considering sentences in effect on and after July 1, 1996, in making determinations relative to release of an inmate imprisoned for an offense committed before July 1, 1996. While this provision would invalidate some, but not all, of the Parole Board's guidelines for determining releases, the overall fiscal impact on the Department is uncertain. One concern is that if this requirement in the bill potentially reduces the number of paroles granted in any given year, then the reduction in the number of releases contributes to the ongoing problem of overall inmate population growth, which translates into higher GRF operating costs. The specific impact of the bill on the operation of the Parole Board, and magnitude of any such potential increase in operating expenditures is uncertain.

Parole Board hearings

The bill permits a victim of certain offenses of violence, the victim's representative, or the spouse, parent or parents, sibling, or child or children of the victim to request the Parole Board to hold a full Board hearing that relates to the proposed parole or re-parole of the person that committed the violation. This would not significantly alter current practice in which victims may already request a full Board hearing. Such requests are typically honored under current law; thus, this provision of the bill will not result in any increase in expenditures.

Local fiscal effects

County prosecutors

The bill creates additional victim notification duties for county prosecutors in addition to the ongoing victim notification functions performed under current law. Under the bill, when the prosecuting attorney's office receives notice from a court of an upcoming judicial release hearing for a prisoner convicted in that county and incarcerated for certain offenses of violence, or if the court grants a motion for judicial

release, the county prosecutor is required to send written notice to the victim regardless of whether the victim requested notification.

The county prosecutors across the state are already engaged in extensive victim notification activities under current law, particularly with respect to pretrial level activities. Although the bill does create some additional workload and administrative burdens, the associated annual costs will be minimal at most, and should be readily absorbed into the prosecutor's ongoing cost of doing everyday business.

County sheriffs

The bill provides that "voluntary manslaughter" when committed with a sexual motivation is a sexually oriented offense for purposes of the Sex Offender Registration and Notification (SORN) Law and that an offender who commits this offense with a sexual motivation is a Tier III sex offender/child-victim offender. The bill further specifies that a child, who is adjudicated a delinquent child for committing "voluntary manslaughter" with a sexual motivation, may be considered a public registry-qualified juvenile offender registrant.

There will not be very many qualifying cases in which voluntary manslaughter is committed with a sexual motivation, and thus the number of additional offenders that could be added to the SORN system will be no more than a few annually statewide. Any resulting increase in the ongoing costs that a county sheriff incurs in performing their SORN Law duties and responsibilities will be negligible.