



Ohio Legislative Service Commission

Joseph Rogers

Fiscal Note & Local Impact Statement

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

Date: November 26, 2012

Status: As Reported by House Criminal Justice

Sponsor: Sens. Bacon and Hughes

Local Impact Statement Procedure Required: No

Contents: Release of prisoners and victim's rights

State Fiscal Highlights

STATE FUND

FY 2013 – FUTURE YEARS

General Revenue Fund (GRF)

Revenues

- 0 -

Expenditures

- (1) Potential minimal annual incarceration cost increase;
- (2) Potential one-time costs to reprogram certain information systems;
- (3) Potential 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.

- The bill gives judges greater discretion to send certain fourth and fifth degree felony offenders to prison rather than community-based sanctions as prescribed under current law. The resulting number of additional offenders that might be sentenced to a prison term is expected to be very small, and as such any corresponding increase in GRF-based marginal institutional operating costs would be minimal annually.
- 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 at most annually, and likely to be absorbed within existing staffing levels and budgetary resources.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2013 – FUTURE YEARS

Counties (prosecutors and sheriffs)

Revenues

- 0 -

Expenditures

(1) Potential minimal annual increase for prosecutor's victim notification process;
(2) Potential negligible annual increase for sheriff's SORN system

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

Felony sentencing

The bill provides judges with greater sentencing discretion allowing them to send certain fourth and fifth degree felony offenders to prison rather than community-based sanctions, which under current law may be the only sentencing option available. The number of additional offenders that would likely be sent to prison per year under this provision is expected to be very small. Thus, any corresponding annual increase in state GRF institutional operating costs stemming from this provision of the bill would likely be no more than minimal. The average annual cost for the Department of Rehabilitation and Correction to incarcerate an offender in an Ohio prison is currently around \$24,870, with the marginal annual cost of adding an offender estimated at \$3,600.

Notification changes

The bill amends the process of notifying victims, and other required parties, of changes in the incarceration status of certain offenders. The departments of Rehabilitation and Correction (DRC) and Youth Services (DYS) both 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 certain felony offenses. 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 DRC.

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 Adult Parole Authority (APA) to adopt rules providing for victim conferences prior to a parole hearing for prisoners incarcerated for certain felony offenses. As the APA already has some ability to hold conferences as requested, it is not anticipated that complying with this requirement will be costly.

Parole-related reports

The bill requires DRC to: (1) submit, at the end of each quarter, a report containing certain parole information to the chairpersons of the committees of the Senate and the House of Representatives that consider criminal justice legislation, and (2) provide, upon request, certain parole information to a law enforcement agency, a prosecuting attorney, or any member of the General Assembly. DRC's capability to generate much of this information is currently computer automated; thus, there may be minimal one-time costs associated with any reprogramming necessary for this information generation process. The ongoing costs to produce and distribute this information will be minimal.

Parole Board hearings

The bill permits a victim of certain felony offenses, 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 felony offenses, or if the court grants a motion for judicial release, the county prosecutor is required to send written notice to the victim unless they opt out of the notification process.

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 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.

SB0160HR / jc