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Office

H.B. 343
(1_136_0687-4)
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 343's Bill Analysis](#)

Version: In House Judiciary

Primary Sponsor: Rep. Lorenz

Local Impact Statement Procedure Required: No

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Highlights

- Local criminal justice systems may be minimally impacted by cases shifting from the jurisdiction of a municipal or county court to a court of common pleas, along with potential savings in sanctioning costs when an offense is charged as a felony instead of as a misdemeanor.
- The Department of Rehabilitation and Correction may experience an increase in marginal costs to house certain offenders for longer periods of time as a result of the bill's changes to criminal damaging or endangering and breaking and entering.

Detailed Analysis

The bill increases the penalties for criminal damaging or endangering and expands the offense of breaking and entering. As a result, certain offenders could receive longer prison sentences and increased fines than would be the case under current law. Any additional costs incurred by the Department of Rehabilitation and Correction (DRC) as a result of the bill's penalty enhancements are likely to be marginal.^{1,2} The magnitude of any additional fine revenue collected and retained by counties or forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400) if a violator is cited by the Ohio State Highway Patrol, will depend on the amount of the fine increase and whether the fine is ultimately

¹ Marginal costs are those that increase or decrease directly on a per-person basis with changes in prison population (i.e., clothing, food, medical services, etc.). For FY 2025, DRC's reported marginal daily cost per offender was \$13.47, or \$4,917 per year.

² The total number of youth likely to be adjudicated for offenses under the bill is indeterminate, however, the number of youth committed to the Department of Youth Services is likely to be relatively small.

collected. Since the bill's conduct is already prohibited, the bill is not expected to result in additional cases for municipal and county courts and courts of common pleas to adjudicate, however, it may change the manner in which it is adjudicated. Some misdemeanor cases could shift from the jurisdiction of municipal and county courts to courts of common pleas if they meet the criteria for a felony-level charge. The bill's changes to each offense are detailed below.

Criminal damaging or endangering

The bill increases the penalties for criminal damaging or endangering based on the amount of damage to the property. Under current law, criminal damaging or endangering ranges from a second degree misdemeanor to a fourth degree felony, based on risk of physical harm and the type of property involved. The bill's enhanced penalty ranges from a fifth degree felony to a first degree felony and would apply based on the total value of harm to the property when the value of that property is at least \$1,000 to \$1.5 million or more. The following table shows the possible fine and term of incarceration by offense level for criminal damaging or endangering under the bill.

H.B. 343 Felony and Misdemeanor Sentences and Fines for Criminal Damaging or Endangering		
Offense Level	Fine	Term of Incarceration
Felony 1 st degree*	Up to \$20,000	3, 4, 5, 6, 7, 8, 9, 10, or 11 years indefinite prison term
Felony 2 nd degree*	Up to \$15,000	2, 3, 4, 5, 6, 7, or 8 years indefinite prison term
Felony 3 rd degree	Up to \$10,000	9, 12, 18, 24, 30, or 36 months definite prison term
Felony 4 th degree	Up to \$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term
Felony 5 th degree	Up to \$2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term
Misdemeanor 1 st degree	Up to \$1,000	Jail, not more than 180 days
Misdemeanor 2 nd degree	Up to \$750	Jail, not more than 90 days

*The sentencing court shall impose a minimum sentence for first and second degree felony offenses. The court shall specify a maximum sentence that is 50% greater than the minimum sentence. The court may, after a hearing, reduce the minimum sentence by 5% to 15% upon recommendation of DRC.

To the extent that criminal damaging or endangering is charged as a felony under the bill instead of a misdemeanor, certain criminal damaging and endangering cases could shift from the jurisdiction of a municipal or county court to a court of common pleas. As a result, any related sanctioning costs would also shift from the county or municipality to the state. As seen in the above table, a term of incarceration for a misdemeanor is served in a locally operated jail as opposed to a term of incarceration for a felony, which is served in a state prison. Additionally, there would be an increase in the amount of state court costs imposed. For a misdemeanor, a total of \$29 is imposed for distribution as follows: \$20 to the Indigent Defense Support Fund (Fund 5DY0) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020). For a felony offense, that amount increases to \$60, with \$30 credited to Fund 5DY0 and \$30 credited to Fund 4020.

Any resulting impact on the state or local criminal justice systems due to the shifting of jurisdiction is expected to be minimal.

Breaking and entering

The bill expands the offense of breaking and entering to include a prohibition against entering any motor vehicle, locomotive, watercraft, or aircraft by force or stealth with the intent to commit a theft offense or any felony. The penalty for breaking and entering remains unchanged under the bill, meaning a violation of the new provision is also a fifth degree felony, which is subject to a definite prison term of 6, 7, 8, 9, 10, 11, or 12 months; a fine of up to \$2,500; or both. As a result, it is possible that conduct currently charged as another offense under existing law could instead be charged as breaking and entering under the bill. Any resulting impact on the state or local criminal justice systems would depend on the offense level of the charges absent the bill and may include a shifting in workload and sanctioning costs as described above.

Synopsis of Fiscal Effect Changes

The substitute bill (I_136_0687-4) replaces the As Introduced version of the bill, which required mandatory dispositions for certain youth adjudicated delinquent for committing acts that would be a felony violation of theft or vandalism if committed by an adult and, for certain youth, and would have included commitment to the Department of Youth Services (DYS). That requirement could have added an estimated 200 or more youth to the DYS population, exceeding existing bed space and necessitating additional staff, and could have reduced counties' RECLAIM (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors) Ohio allocations, which provides up to half of a juvenile court's budget. By removing the mandatory dispositions, the substitute bill significantly reduces any potential impact to DYS and to county RECLAIM Ohio allocations and restores existing judicial discretion with respect to sentencing options for youthful offenders.