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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 425
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 425's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Rep. Hoops

Local Impact Statement Procedure Required: No

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Highlights

- The bill's prohibitions regarding use of an unmanned aerial vehicle (UAV) system may generate a small number of additional misdemeanor-level cases for local criminal justice systems to adjudicate and offenders to sanction.
- Any increase in costs or workload incurred by local criminal justice systems related to the bill's prohibitions may be at least partially offset by the collection of fines and state and local court costs and fees.
- If additional offenders are sentenced to jail, there may be a marginal annual increase in local incarceration or supervision expenditures.

Detailed Analysis

The bill prohibits a person, without the privilege to do so, from engaging in the following activities: (1) knowingly operating an unmanned aerial vehicle (UAV) in the air space above another person's land or premises, (2) recklessly operating a UAV in that air space when certain forms of notice are given that prohibit the trespass, (3) negligently continuing to operate a UAV system in the air space after being given direct notice to leave, (4) knowingly using a UAV to record another person, in a place where that person has a reasonable expectation of privacy, (5) knowingly using a UAV to record another person's private property, including animals or objects on that property, and (6) knowingly using a UAV system to deploy any substance, material, projectile, or object. A violation of the bill's prohibitions is a fourth degree misdemeanor, which is subject to a fine of up to \$250, a jail term of not more than 30 days in a locally operated jail, or both.

Based on LBO conversations with the Ohio Judicial Conference and the Ohio Prosecuting Attorneys Association, the bill is not expected to have a discernible impact on court caseloads, as

charges for UAV-related violations are relatively rare and much of the bill's prohibited conduct can already be charged under existing criminal prohibitions. To the extent that a violation occurs that does not fall under an existing criminal prohibition, the bill may create a small number of new cases for certain municipal and county courts, which have jurisdiction over misdemeanor level offenses, to adjudicate. As a result, certain local criminal justice systems may experience a minimal increase in costs and workload related to adjudicating those cases and sanctioning offenders.

Any increase in costs or workload incurred by local criminal justice systems related to the bill's prohibitions may be at least partially offset by the collection of fines and state and local court costs and fees. Under continuing law, fines for violations of state law are generally retained by the county, with local court costs and fees generally retained by the county or municipality having jurisdiction of the violation.¹ For misdemeanors, state court costs are \$29 and credited as follows: \$20 to the Indigent Defense Support Fund (Fund 5DY0) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020). The amount of revenue generated as a result of fines and state and local court costs and fees imposed for UAV system-related violations is expected to be minimal, at most, for any given county, municipality, or the state. If additional offenders are sentenced to jail, there may be a marginal annual increase in local incarceration or other sanctioning expenditures (e.g., probation).

¹ Fines imposed for violations cited by the Ohio State Highway Patrol are forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400).