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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 459  
136<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 459's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Reps. Gross and Williams

**Local Impact Statement Procedure Required:** No

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### Highlights

- The net result of the bill on local and state criminal justice systems will likely be a complicated mix of potential outcomes, largely impacting the Department of Rehabilitation and Correction (DRC), the Department of Youth Services (DYS), and local criminal justice systems.
- Some number of offenders could be charged under the new offense of moving or removing human remains, although this number will likely be minimal. The new specification, however, could result in a larger number of offenders being sentenced to longer terms of incarceration, either at DRC or DYS. The annual marginal cost to add a single offender at a DRC facility is \$4,917 (\$24,583 over five years if the specification is added) and the cost to add a single offender at a DYS facility is \$16,261 (\$48,783 over three years if the specification is added).

### Detailed Analysis

The bill creates a new offense that prohibits a person, unless authorized by law, from purposely moving or removing human remains to: (1) prevent the discovery of an unlawful act, (2) prevent the discovery of a death, (3) prevent the discovery of the cause of a death, or (4) prevent the discovery of human remains. The penalty for moving or removing human remains is a third degree felony, which is generally subject to a definite prison term of 12, 18, 24, 30, 36, 42, 48, 54, or 60 months, a fine of up to \$10,000, or both.

The bill also creates a new specification related to moving or removing human remains. The new specification would establish a five-year mandatory prison term for an adult offender who was convicted of or pleaded guilty to a felony and who also was convicted of or pleaded guilty to the specification. The bill provides that the specification may also be used in a delinquent

child proceeding with a one to three-year mandatory term to the Department of Youth Services (DYS) for a child who was adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and who would also be guilty of the new specification.

The bill establishes that there is no period of limitations for the prosecution of moving or removing human remains or for the prosecution of a conspiracy to commit, attempt to commit, or complicity in committing moving or removing human remains.

## **Fiscal impact**

The net result of the bill on local and state criminal justice systems will likely be a complicated mix of potential outcomes, largely impacting the Department of Rehabilitation and Correction (DRC), DYS, and local criminal justice systems, including prosecutors, courts of common pleas, and public defenders if the offender is indigent. While very few new criminal cases are expected to be generated as some of this conduct could be charged under other statutes, existing felony cases could be impacted, if eligible for the new specification. Additional offenders will likely be sentenced to prison or to a DYS facility and for longer periods. Increasing the incarceration terms for these offenses, and under the specific circumstances described in the bill, could lead to a “stacking effect” on bed counts over time.

### **Department of Youth Services**

DYS’s average daily facility population for FY 2024 was around 500. The marginal cost to add a juvenile to that population is around \$44.55 per day, or \$16,261 per year. This suggests that adding a relatively small number of juveniles to that population in any given year will result in no more than a minimal increase in DYS’s annual institutional care and custody costs. It should be noted that the majority of youth adjudicated by the juvenile justice system for felony level offenses are served locally through community-based programs instead of being committed to a DYS facility. That said, a three-year mandatory sentence if a youth is adjudicated guilty of the new specification would add approximately \$48,783 in costs per offender over that period of time.

### **Department of Rehabilitation and Correction**

The number of offenders that could be sentenced to DRC for longer terms is indeterminate. LBO has requested a bed count analysis from DRC.<sup>1</sup> When additional offenders are sentenced to prison, or when prison terms are extended, DRC typically calculates the additional annual cost in one of two ways: marginal cost or institutional cost. These annual cost scenarios are described below. Marginal cost is usually applicable when a relatively small number of offenders are impacted by a bill (relative to the total population as well as the typical number of new annual commitments). Institutional costs factor in other costs that may result when a larger than incremental number of offenders is added to the prison population. These figures may include additional staffing needs plus capital-related expenditures. For context, DRC’s average population in 2025 was 45,466 and the number of new commitments for that year was 14,289.

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<sup>1</sup> An updated fiscal note will be made available when this information becomes available.

### **Marginal cost scenario**

According to the DRC 2025 Annual Report,<sup>2</sup> the average marginal cost to house an additional offender was \$13.47 per day or \$4,917 per year. Under this scenario, a five-year mandatory prison term if an offender is found guilty of the new specification would cost the state \$24,583 per offender.

Marginal costs, as defined by DRC, are those that increase or decrease directly on a per-person basis with changes in prison population. The major categories that comprise marginal costs, from largest to smallest, are:

- Medical (pharmaceuticals, medical supplies, hospitalization, and ambulance services);
- Food Service;
- Storeroom/Quartermaster (clothing, mattresses, and sheets and blankets); and
- Mental Health (pharmaceuticals and mental health supplies).

### **Institutional cost scenario**

According to the DRC 2025 Annual Report, the average institutional cost to house an offender was \$109.57 per day or \$39,993 per year. Under this scenario, a five-year mandatory prison term if an offender is found guilty of the new specification would cost the state \$199,965 per offender.

Institutional costs are calculated by dividing all DRC operating costs by the number of housed offenders, for a certain period of time. Included in this cost are items such as employee salaries, building costs and maintenance, and other items of expense that are incurred regardless of inmate population.

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<sup>2</sup> The [DRC 2025 Annual Report](#) is available on DRC's website at [drc.ohio.gov](http://drc.ohio.gov).