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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 47  
(with AM0400)  
136<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for H.B. 47's Bill Analysis](#)

**Version:** In House Judiciary

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

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- The bill modifies and increases penalties for offenses involving kidnapping, abduction, and trafficking in humans. Collectively, these changes represent the “Human Trafficking Prevention Act.”
- The bill will likely have an impact on bed counts over a period of time. Based on present day cost figures, such an increase could result in annual expenditure increases of varying magnitude, peaking several years after the bill’s enactment.
- The bill’s impact on individual local criminal justice systems related to prosecuting, defending (if indigent), adjudicating, and sanctioning of offenders is not expected to exceed minimal on an annual basis.

### **Detailed Analysis**

The bill makes several modifications and penalty enhancements to offenses generally related to (1) kidnapping, (2) abduction, and (3) trafficking in persons.

#### **Penalty modifications and increases**

##### **Kidnapping**

Under current law, the penalty for kidnapping is generally a first degree felony which is punishable by a \$20,000 fine, a minimum term of 3, 4, 5, 6, 7, 8, 9, 10, or 11 years imprisonment, or both. However, if the offender releases the victim in a safe place unharmed, kidnapping is a second degree felony which is punishable by a fine of \$15,000, a minimum term of 2, 3, 4, 5, 6, 7, or 8 years imprisonment, or both.

The bill increases the penalty for kidnapping under two circumstances and modifies elements of those circumstances. For a detailed description of these changes, please see the [LSC bill analysis](#).

Most notably for fiscal effect purposes, the bill's penalty enhancements will likely result in some number of offenders being sentenced to prison for longer terms. If the offender, by force, threat, or deception, or, in the case of a victim under the age of 13 or mentally incompetent, by any means, removes another from the place where the other person is found or restrains the liberty of the other person, for either of the following purposes, kidnapping is a first degree felony and the offender must be sentenced to an indefinite prison term consisting of a minimum of 25 years and a maximum term of life imprisonment: (1) to engage in sexual activity with the victim against the victim's will, or (2) to hold in a condition of involuntary servitude. If kidnapping is committed in these two limited circumstances and the offender releases the victim in a safe place unharmed, the offender must be sentenced to an indefinite prison term consisting of a minimum of 15 years and a maximum term of life imprisonment.

### **Abduction**

The bill increases penalties for abduction under circumstances involving involuntary servitude or a sexual motivation from a second degree felony (punishable by a fine of \$15,000, a minimum of 2, 3, 4, 5, 6, 7, or 8 years imprisonment, or both) or a third degree felony (punishable by a fine of \$10,000, a definite minimum term of 9, 12, 18, 24, 30, or 36 months imprisonment, or both) depending on the circumstances, to a first degree felony, and requires an indefinite prison term consisting of a minimum term of 25 years and a maximum term of life imprisonment under these circumstances.

### **Trafficking in persons**

The bill increases the penalty for committing the offense of trafficking in persons by increasing the mandatory prison terms. Under existing law, trafficking in persons is a first degree felony and the court must sentence the offender to an indefinite prison term of a minimum of ten to 15 years. The bill retains the penalty at a first degree felony, but specifies that for a violation where the offender knows that the other person will be subjected to involuntary servitude or be compelled to engage in sexual activity for hire; engage in a performance that is obscene, sexually oriented, or nudity oriented; or be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented the court must sentence the offender to an indefinite prison term of a minimum of 15 years to a possible maximum of life imprisonment. For a violation where the offender commits the offense and the other person is less than 18 years of age or is a person with a developmental disability whom the offender knows or has reasonable cause to believe is a person with a developmental disability, and either the offender knows that the other person will be subjected to involuntary servitude or the offender's knowing recruitment, luring, enticement, isolation, harboring, transportation, provision, obtaining, or maintenance of the other person or knowing attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain the other person is for certain purposes,<sup>1</sup> the

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<sup>1</sup> (1) For the other person to engage in sexual activity for hire with one or more third parties, (2) to engage in a performance for hire that is obscene, sexually oriented, or nudity oriented, or (3) to be a model or participant for hire in the production of material that is obscene, sexually oriented, or nudity oriented.

court must sentence the offender to an indefinite prison term of a minimum of 25 years to a possible maximum of life imprisonment.<sup>2</sup>

## Fiscal effects

The bill is not expected to create additional cases as it largely maintains existing law for offenses of trafficking in persons, kidnapping, and abduction. Rather the bill may impact the way that existing cases are adjudicated and ultimately subjected to the penalties outlined in the bill.

LBO has not collected any evidence suggesting that the bill will have a significant effect on county criminal justice systems. As these are generally already felony level offenses, cases will remain under the jurisdiction of county courts of common pleas. The net result will likely be a complicated mix of potential outcomes, largely impacting the Department of Rehabilitation and Correction (DRC) and courts of common pleas.

The bill will likely result in increased incarceration costs to DRC over time. Increasing the prison terms for these offenses and under the specific circumstances as described in the bill, some number of this cohort will be sentenced to prison for longer prison terms, possibly life, eventually resulting in a “stacking effect” on bed counts. The table below displays the most recently available commitment and population data for like periods of time, specifically for the year ending around 2021.<sup>3</sup> For current context, in CY 2024, DRC’s inmate population averaged 45,284, with 14,411 average total new commitments. LBO presumes that the figures below are relatively stable and, proportionately speaking, likely similar if applied to today’s population counts. It should be noted that these counts are for all offenses under the broader category of offenses listed. Since the bill will likely only impact a subset under each category, specifically when the crimes involve either (1) engaging in sexual activity with the victim against the victim’s will, or (2) holding in a condition of involuntary servitude, the actual population impact will likely be an even smaller fraction of those shown. Data related to these subsets is unavailable.

For each offender sentenced to DRC, there will be increased annual marginal costs for each additional year of incarceration. For some offenders, sentencing could be for life. Based upon DRC’s 2024 Annual Report, the marginal cost to house an offender was \$13.47 per day, or \$4,917 per year.<sup>4</sup> Marginal costs are those that increase or decrease directly on a per-person basis with changes in prison population. Such costs include medical care, food service, clothing and bedding (for inmates), and mental health services. The actual increase in costs for DRC will depend on the number of offenders who ultimately serve longer sentences under the bill than they otherwise would have under existing law, the additional length of the term, and the marginal cost per offender in each additional year of that term. Total institutional operating costs for FY 2024 totaled approximately \$1.31 billion.

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<sup>2</sup> The bill names this specific offense as “trafficking in minors or in persons with developmental disabilities.”

<sup>3</sup> See DRC’s January 2021 Population Report and CY 2021 Commitment Report, which are available on the Department’s website via keyword searches “Population” and “Commitment”: [drc.ohio.gov](https://drc.ohio.gov).

<sup>4</sup> See DRC’s 2024 Annual Report, which is available on the Department’s website via keyword search “Annual Report”: [drc.ohio.gov](https://drc.ohio.gov).

Comparison of 2021 Commitments and Total Population for Specified Offenses				
Offense (most serious offense resulting in commitment to DRC)	2021 Commitments	Percentage of Total Commitments	January 2022 Population	Percentage of Total Population
Abduction	98	0.72%	159	0.37%
Kidnapping	75	0.55%	784	1.81%
Trafficking in Persons	3	0.02%	34	0.08%
All Offenses	13,677	100%	43,430	100%