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Office of Research and Drafting

Legislative Budget Office

H.B. 478
136th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Passed by the House

Primary Sponsors: Reps. D. Thomas and Synenberg

Local Impact Statement Procedure Required: No

Keegan Kennedy, Budget Analyst

Highlights

- County and municipal criminal justice systems may experience some increase in their annual operating costs if additional persons are arrested, prosecuted, and sanctioned for jury tampering or intimidation offenses. These costs may be offset somewhat by a related gain in court costs, fees, and fines collected. The net annual fiscal effect of the expenditure increase and related revenue gain for any given local jurisdiction is likely to be negligible.
- The Department of Rehabilitation and Correction (DRC) may see a relatively small increase in the number of persons sentenced to a term of incarceration in a state prison for a criminal violation resulting in a correspondingly minimal annual operating cost increase.
- The state may see a negligible gain in court cost revenue collected from felony offenders deposited to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

Detailed Analysis

Jury tampering

The bill creates the offense of "jury tampering," which prohibits both of the following:

- A person from knowingly attempting to influence, intimidate, or hinder a "juror" in the discharge of the juror's duties, including in the juror's consideration of the facts or evidence presented at trial for which the juror has been impaneled, a violation of which is a first degree misdemeanor punishable by a jail term of not more than 180 days, a fine of up to $1,000, or both;
- A person, knowingly and by force, by unlawful threat of harm to any person or property, or by unlawful threat to commit any offense or calumny against any person, from

attempting to influence, intimidate, or hinder a juror in the discharge of the juror's duties, including in the juror's consideration of the facts or evidence presented at the trial for which the juror has been impaneled, a violation of which is a third degree felony punishable by a fine of up to $10,000; a definite imprisonment term of 9, 12, 18, 24, or 30 months, or both.

Intimidation of an attorney, victim, witness, or public servant in a criminal case

The bill expands the class of victims included under the existing offense of intimidation of an attorney, victim, or witness to include public servants. Under the bill, a person is prohibited from knowingly and by force, by unlawful threat of harm to any person or property, or by unlawful threat to commit any offense or calumny against any person, from attempting to influence, intimidate, or hinder a public servant by reason of their involvement in any criminal or delinquent child action or proceeding. A violation of the prohibition is a third degree felony punishable by a fine of up to $10,000, a definite imprisonment term of 9, 12, 18, 24, or 30 months, or both.

Fiscal effect

The impact of the bill on local and state criminal justice systems is expected to be minimal as the conduct, in some circumstances, may be prosecuted under current law prohibitions against intimidation, a third degree felony, or as contempt, punishable by a fine of not more than $250, a jail term of not more than 30 days, or both on a first offense.

If there are additional criminal charges under the bill, the following fiscal impacts would result:

- An increase in operating expenses for county and municipal criminal justice systems because of having additional persons to arrest, prosecute, defend (if indigent), and sanction jury tampering or intimidation of a public servant in criminal case offenses. There will also be a related gain in court costs, fees, and fines collected from persons convicted of such offenses. The net annual fiscal effect of the expenditure increase and related revenue gain for any given local jurisdiction is likely to be negligible.
- A relatively small increase in the number of persons subsequently sentenced to a term of incarceration in state prison as described above. The associated annual operating cost increase for the Department of Rehabilitation and Correction (DRC) are expected to be minimal at most. The marginal cost for DRC to add a relatively small number of offenders to its total inmate population is estimated at around $5,000 per offender per year.
- A gain of a negligible amount of court cost revenue collected from certain misdemeanor or felony offenders and forwarded for deposit in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).[1]

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[1] The court is generally required to impose state court costs totaling $60 for a felony divided as follows: $30 to Fund 5DY0 and $30 to Fund 4020.