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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 487**  
**136<sup>th</sup> General Assembly**

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

[Click here for H.B. 487's Bill Analysis](#)

**Version:** As Introduced

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

**Local Impact Statement Procedure Required:** No

Maggie West, Senior Budget Analyst

### **Highlights**

- The Department of Rehabilitation and Correction (DRC) may experience an indeterminate increase in incarceration costs related to longer prison terms for repeat drug offenders, which generally include imposition of the longest prison term authorized or required for the underlying offense and a mandatory prison term ranging from one to ten years.
- The bill's repeat drug offender specification is not expected to have a significant impact on local criminal justice systems, including prosecutors and courts of common pleas.

### **Detailed Analysis**

The bill creates a repeat drug offender classification and specification that could lead to longer terms of incarceration for certain offenders. Under the bill, if a person is convicted of, or pleads guilty to, both a felony trafficking or aggravated trafficking violation and the bill's repeat drug offender specification, the court is required to impose both of the following: (1) the longest prison term authorized or required for the offense, or the longest minimum prison term authorized or required if the offense is a first or second degree felony, and (2) a mandatory prison term of 1, 2, 3, 4, 5, 6, 7, 8, 9, or 10 years.

To the extent that repeat drug offenders are charged, convicted, and sanctioned under the bill, the Department of Rehabilitation and Correction (DRC) will experience an indeterminate increase in costs to house those offenders for longer periods of time than would be the case under existing law. The amount of additional time served by repeat drug offenders is likely to vary by offender based on the sentence they would have otherwise received for the underlying violation under current law, plus an additional one to ten years. The following table shows the fines and prison terms for felony offenses generally.

Felony Sentences and Fines for Offenses Generally		
Offense Level	Fine	Term of Incarceration
Felony 1 <sup>st</sup> degree*	Up to \$20,000	3, 4, 5, 6, 7, 8, 9, 10, or 11 years indefinite prison term
Felony 2 <sup>nd</sup> degree*	Up to \$15,000	2, 3, 4, 5, 6, 7, or 8 years indefinite prison term
Felony 3 <sup>rd</sup> degree	Up to \$10,000	9, 12, 18, 24, 30, or 36 months definite prison term
Felony 4 <sup>th</sup> 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 <sup>th</sup> degree	Up to \$2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term

\*The sentencing court shall impose a minimum sentence for first and second degree felony offenses committed after March 22, 2019 (definite sentences were previously imposed). 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.

As seen in the table, felony sentences carry a wide range of prison terms. By requiring repeat drug offenders to receive the longest prison term required or authorized for the underlying offense, the bill may increase the prison term imposed on certain offenders by varying degrees. For example, if a repeat drug offender was convicted of a third degree felony, that offender would receive 36 months in prison under the bill, whereas under current law, the judge could have imposed a lesser sentence, including the minimum term of nine months. In that scenario, the offender would be required to serve an additional 27 months plus the bill's mandatory prison term of one to ten years. However, if that same offender would have otherwise received 30 months for the violation under current law, the bill would increase the offender's prison term by six months plus the bill's mandatory prison term of one to ten years.

## Department of Rehabilitation and Correction

According to the FY 2025 DRC Annual Report, the institutional costs of housing an offender averaged \$109.57 per day, or about \$40,000 per year. However, since the bill's repeat offender specification would not result in additional offenders being sent to prison but would instead lengthen the stay of certain offenders, LBO believes that marginal costs may be a more accurate representation of impact to DRC. According to DRC, marginal costs are costs that increase or decrease directly on a per-person basis with changes in the prison population. In FY 2025, the marginal costs of housing an offender averaged \$13.47 per day, or about \$4,900 per year. Assuming this cost stays relatively stable over time, the additional mandatory prison term costs to DRC could range from about \$4,900 to about \$49,000 per repeat drug offender. The actual cost per offender would depend on the length of the prison term imposed under the bill compared to the prison term that otherwise would have been imposed, and the length of the mandatory prison term imposed.

According to the FY 2025 Annual Report, about 8.5% (just over 1,200) of DRC's 14,289 commitments were for drug trafficking. The number of those offenders who had at least two prior convictions and may otherwise have been specified and subsequently adjudicated as a repeat drug offender, had the bill been in effect, is presumably a smaller subset of that number.

## **Local criminal justice systems**

The bill's repeat drug offender specification is not expected to have a significant impact on local criminal justice systems and will not result in additional cases for courts of common pleas, which have jurisdiction over felony offenses, to adjudicate. However, the bill does specify that imposition of the mandatory prison term is precluded unless the indictment, count in the indictment, or information charging the offender specifies that the offender is a repeat drug offender. As a result, prosecutors who choose to charge an individual as a repeat drug offender may incur a minimal increase in the amount of time and resources necessary to prosecute the case.