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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

S.B. 188
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 188's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Sen. Patton

Local Impact Statement Procedure Required: No

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Highlights

- Local criminal justice systems may experience some increase in their annual operating costs if additional persons are arrested, prosecuted, and sanctioned as a result of the bill. 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 minimal.
- To the extent that additional offenders are found guilty or sentenced to longer terms of imprisonment, the Department of Rehabilitation and Correction (DRC) may experience an increase in marginal incarceration expenditures over time.

Detailed Analysis

The bill expands the offense of failure to comply with an order or signal of a law enforcement officer by prohibiting a person from taking a position in a physical location that prevents immediate access by any law enforcement officer and refusing or resisting orders to exit the location, or complying with other lawful order or direction, when that person knows or reasonably should know that the law enforcement officer is attempting to apprehend the person in connection to an alleged felony offense or misdemeanor offense of violence. Generally, “failure to comply” is a third degree felony punishable by a fine of up to \$10,000, a definite prison term of 9, 12, 18, 24, 30, or 36 months, or both.

The bill adds three additional criteria to “failure to comply” which if met could result in a higher level felony charge. Those criteria are: (1) the violation creates a risk of serious physical harm to any person, (2) during the commission of the offense the person indicates to law enforcement that they have a deadly weapon, or (3) during the commission of the offense a third party is present and is unable to safely and immediately leave the physical location of the

violation. Under the first two circumstances, “failure to comply” increases to a second degree felony punishable by a fine of \$15,000, an indefinite prison term of 2, 3, 4, 5, 6, 7, or 8 years, or both. The court is required to impose a mandatory prison term. Under the third circumstance (the party is a minor or an elderly person and is unable to immediately and safely leave) the offense is a first degree felony punishable by a fine of up to \$20,000, an indefinite prison term of 3, 4, 5, 6, 7, 8, 9, 10, or 11 years, or both. The bill also prohibits aiding, assisting, or attempting to aid or assist another person in taking a position described in the bill. This offense is typically punishable by a felony of the next lesser degree. If aiding, assisting, or attempting to assist another in failure to comply creates a serious risk of physical harm, the violation is a second degree felony with a mandatory prison term.

The bill also updates the term “police officer” which is currently used in this statute and replaces it with the term “law enforcement officer.” As a result of this change, it is possible that additional criminal charges could be filed under this statute due to more individuals being qualified as a law enforcement officer rather than simply a police officer. For a complete list of persons meeting the definition of law enforcement officer, please see the [LSC bill analysis](#).

Local criminal justice systems

If additional criminal charges are filed as a result of the bill, local criminal justice systems may experience additional costs to arrest, prosecute, adjudicate, and sanction an offender, or to pay costs for defense counsel if the offender is indigent. It is also possible that the change from “police officer” to “law enforcement officer” may lead to additional new cases, as this cohort would now be able to file “failure to comply” charges. However, it is likely that these types of charges are part of a larger case that may be subject to multiple criminal charges. Further, actions that are similar to those addressed in the bill may already be prosecuted under current law, such as resisting arrest and obstruction of official business. The net effect of these changes poses a complicated mix of potential outcomes.

Department of Rehabilitation and Correction (DRC)

The bill’s penalty enhancements and the requirement for courts to impose mandatory imprisonment terms will likely increase DRC’s incarceration costs over time. Some offenders will be sentenced to longer prison terms, eventually resulting in a “stacking effect” on bed counts.

For each offender sentenced to DRC, there will be increased annual marginal costs for each potential additional year of incarceration. DRC’s 2025 Annual Report cited the current marginal cost to house an offender was \$13.47 per day, or \$4,917 per year.¹ 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. For comparison, the total institutional operating expenses for FY 2025 totaled

¹ See DRC’s 2025 Annual Report, which is available on the Department’s website via keyword search “Annual Report”: drc.ohio.gov.

approximately \$1.38 billion. In CY 2025, DRC's inmate population averaged 45,446, with an average of 14,289 total new commitments.