Fiscal Note & Local Impact Statement

126 th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: S.B. 137 DATE: February 14, 2006

STATUS: As Introduced SPONSOR: Sen. Goodman

LOCAL IMPACT STATEMENT REQUIRED: No — Minimal cost

CONTENTS: Child Abuse and Neglect Reporting Law

State Fiscal Highlights

 As the bill does not affect felony cases and appears unlikely to create new misdemeanor cases, there is no readily apparent direct effect on state revenues and expenditures.

Local Fiscal Highlights

LOCAL GOVERNMENT		FY 2006	FY 2007	FUTURE YEARS
Counties				
Revenues	Potential gain, likely to be minimal at most		Potential gain,	Potential gain,
			likely to be minimal at most	likely to be minimal at most
Expenditures	Potential increase in		Potential increase in juvenile	Potential increase in
	juveni	le justice system	justice system operating	juvenile justice system operating
	operating	g costs, likely to be	costs, likely to be minimal at	costs, likely to be minimal at
	mii	nimal at most	most	most

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- County juvenile justice system expenditures. As of this writing, to the degree that the bill generates a noticeable fiscal effect, it would likely be experienced by county-operated juvenile justice systems. This is because these matters related to child abuse and neglect would fall under the subject matter jurisdiction of a juvenile court. It appears, however, that the number of offenders that would likely be affected by the bill's penalty enhancement in any given juvenile justice system annually appears likely to be relatively small. Assuming that were true, then any increase in the annual operating costs of any given juvenile justice system seems unlikely to exceed minimal. For the purposes of this fiscal analysis, a minimal expenditure increase means an estimated annual cost of no more than \$5,000 for any affected county.
- <u>County revenues</u>. By enhancing the penalty in existing criminal cases, the bill creates the potential for additional court cost and fine revenues to be collected by any affected county's juvenile justice system. The revenue gain in any given county seems unlikely to exceed minimal annually. For the purposes of this fiscal analysis, a minimal revenue gain means an estimated annual increase of no more than \$5,000 for any affected county.

Detailed Fiscal Analysis

Overview

With regard to the failure of a "mandatory reporter" to report known or suspected abuse or neglect of a child, the bill increases the penalty from a misdemeanor of the fourth degree to a misdemeanor of the first degree.

Existing misdemeanor sentences and fines

As noted, under current law, the penalty for a failure of a "mandatory reporter" to make a mandatory report of child abuse or neglect is a misdemeanor of the fourth degree. Under the bill, such a failure to report is elevated to a misdemeanor of the first degree. Table 1 below summarizes the existing sentences and fines for violating misdemeanor offenses generally. In the case of a person convicted of, or pleading guilty, to a misdemeanor, the court is permitted to impose a fine up to the maximum amount and/or a jail stay up to the maximum term.

Existing Sentences and Fines for Misdemeanor Offenses Generally					
Offense Level	Maximum Fine	Maximum Term of Local Incarceration			
Msdemeanor 4th degree	\$250	30-day jail stay			
Msdemeanor 3rd degree	\$500	60-day jail stay			
Msdemeanor 2nd degree	\$750	90-day jail stay			
Msdemeanor 1st degree	\$1,000	6 month jail stay			

Local fiscal effects

As of this writing, to the degree that the bill generates a noticeable fiscal effect, it would likely be experienced by county-operated juvenile justice systems. This is because these matters related to child abuse and neglect would fall under the subject matter jurisdiction of a juvenile court.

As a result of the bill's penalty enhancement, an offender who would have been prosecuted and sanctioned under existing law will face the possibility of a more serious punishment (see the Table 1 comparisons above). It appears, however, that the number of offenders that would likely be affected by the aforementioned penalty enhancement in any given juvenile justice system annually appears likely to be relatively small. Assuming that were true, then any increase in the annual operating costs of any given juvenile justice system seems unlikely to exceed minimal. Cost components would include expenses related to investigating, prosecuting, adjudicating (including a possible jury trial), and sanctioning the offender. For the purposes of this fiscal analysis, a minimal expenditure increase means an estimated annual cost of no more than \$5,000 for any affected county.

Court cost and fine revenues

By enhancing the penalty in existing criminal cases, the bill creates the potential for additional court cost and fine revenues to be collected by any affected county's juvenile justice system. As previously noted, it appears that the number of offenders that could be affected by the bill in any given year is likely to be relatively small. Assuming that were true, then the revenue gain in any given county seems unlikely to exceed minimal annually. For the purposes of this fiscal analysis, a minimal revenue gain means an estimated annual increase of no more than \$5,000 for any affected county.

State fiscal effects

As the bill does not affect felony cases and appears unlikely to create new misdemeanor cases, there is no readily apparent direct effect on state revenues and expenditures.

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