

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2007	FY 2008	FUTURE YEARS
Clerks of County, Municipal, and Mayor's courts			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	One-time increase in printing and collecting expenses, likely to be more than minimal for some jurisdictions	Potential minimal ongoing collection and forwarding costs	Potential minimal ongoing collection and forwarding costs
County, Municipal, and Township Criminal Justice Entities involved with County Drug Task Forces			
Revenues	Potential gain in state drug law enforcement grant moneys	Potential gain in state drug law enforcement grant moneys	Potential gain in state drug law enforcement grant moneys
Expenditures	Potential increase to finance drug task forces, all or portion of which may be offset by state grant moneys	Potential increase to finance drug task forces, all or portion of which may be offset by state grant moneys	Potential increase to finance drug task forces, all or portion of which may be offset by state grant moneys

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

- **Court clerks.** Based on similar prior legislation considered by the General Assembly, it seems plausible that some local courts could experience an increase in expenditures, albeit one-time in nature, exceeding minimal. For purposes of this analysis, in the context of expenditures, in excess of minimal means an estimated one-time cost of more than \$5,000 for any affected county or municipal criminal justice system. Presumably, the system to collect and forward the \$5 court cost is in place; any associated ongoing annual costs would be no more than minimal.
- **Local criminal justice entities.** The bill does not mandate the creation of drug task forces, therefore any related local fiscal effects are considered to be at the discretion of the participating jurisdictions. As of this writing, LSC fiscal staff is unable to estimate the number of county task forces that might apply for state funds or whether the magnitude of the potential state grant defray all or some portion of their expenses.

Detailed Fiscal Analysis

For the purposes of this fiscal analysis, the bill most notably:

- Requires any court in which a person is convicted of, pleads guilty to, or is found to be a juvenile traffic offender for a moving violation (or posts bail to such a charge) to impose an additional court cost of \$5 to be transferred to the Drug Law Enforcement Fund.
- Creates the Drug Law Enforcement Fund to be administered by the Office of the Attorney General.
- Creates the Drug Law Enforcement Fund Advisory Committee to make annual funding recommendations.
- Specifies that the money in the fund must be used: (1) to award grants to defray the expenses of county drug task forces, and (2) to pay the costs and expenses that the Office of the Attorney General and the Drug Law Enforcement Fund Advisory Committee incur in performing their respective duties.
- Permits certain local criminal justice officers to create a county drug task force to perform functions related to the enforcement of state drug and related illegal drug activity laws.

State fiscal effects

Drug Law Enforcement Fund

The bill creates the Drug Law Enforcement Fund that is funded by the \$5 court costs imposed for moving violations, as noted above in the first dot point, and is to be administered by the Office of the Attorney General. Money in the fund is required to be deposited in an interest-bearing account.

Under current law, the state gains locally collected court cost revenues that are deposited in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 402). State court costs for a misdemeanor conviction total \$24, with \$9 of that amount being credited to the Victims of Crime/Reparations Fund (Fund 402) and the remainder, or \$15, being credited to the GRF. Similarly, the state court costs for a felony conviction total \$45, with \$30 of that amount being credited to the Victims of Crime/Reparations Fund (Fund 402) and the remainder, or \$15, being credited to the GRF. This proposed "moving violation" court cost, to be credited to the Drug Law Enforcement Fund, would be in addition to any other fines and costs imposed by each local court.

Under current law, a "moving violation" is defined as any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets and does not include a violation of section 4513.263 (occupant restraining devices) of the Revised Code or a substantially equivalent municipal ordinance, a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

Based upon this definition, LSC fiscal staff consulted several resources in order to locate a statewide total of the number of "moving violation" convictions recorded annually. According to the Department of Public Safety's Bureau of Motor Vehicles, the most complete and accurate source for such data is the Bureau's driver record information contained in a computer-generated report entitled *Driver Record Conviction Totals By County*.

According to the most recent version of that report (for offenses committed in calendar year 2005), there were approximately 1.6 million total convictions for violations that seem to meet the definition of a "moving violation." Assuming that all moving violation offenders pay the additional \$5 in court costs, the Drug Law Enforcement Fund could potentially generate up to \$8.0 million annually (see Table 1 below).

Relative to Table 1, it should be noted that: (1) the dollar estimates represent a maximum potential revenue effect based on the number of convictions in calendar year 2005, and (2) as the total amount of fines and court costs imposed on an offender or juvenile increases, presumably it becomes more likely that some may be unwilling and/or unable to pay.

Table 1
Forecast of Revenue Generated by \$5 Moving Violation Court Cost

Annual Number of Driver Convictions*	Potential Revenue Generated by \$5 Additional Court Cost
1.6 million	Up to \$8 million**

* Based on convictions in calendar year 2005 (includes both commercial and noncommercial vehicles).

** Figure does not factor in any potential change in a person's willingness and/or ability to pay the total package of state and local court costs and fines imposed by the court for committing a moving violation.

Office of the Attorney General and Drug Law Enforcement Advisory Committee

The bill requires the Office of the Attorney General: (1) to administer the Drug Law Enforcement Fund, and (2) to make grants from the Fund, after an application for funding is approved, to county drug task forces. The bill also creates the four-member Drug Law Enforcement Advisory Committee to make annual funding recommendations. The members of the Advisory Committee serve without compensation, but each member must be reimbursed for actual and necessary expenses incurred in the performance of the member's official duties. As of this writing, it would appear that the amount of revenue generated annually for deposit to the credit of the fund should be sufficient to cover the costs incurred by the Office of the Attorney General and the Advisory Committee in performing their respective duties.

Local fiscal effects

Clerks of county, municipal, and mayor's courts

The requirement that the court in which a person is convicted of, pleads guilty to, or is found to be a juvenile traffic offender for a moving violation (or posts bail to such a charge) impose an additional court cost of \$5 may create rather significant one-time costs for some court clerks. While it is difficult to estimate an exact dollar estimate for each individual court in the state, LSC fiscal staff has been able to discern two notable areas of fiscal concern for clerks of courts.

First, in terms of printing, court clerks will most likely be required to reprint the information forms and/or envelopes upon which fine amounts for various infractions are listed.

Second, some courts may be required to reprogram various electronic accounting systems in order to properly collect, account for, and distribute the new \$5 court cost.¹ Again, it is rather problematic to estimate an exact cost of these duties, as it seems likely it could vary quite significantly from jurisdiction to jurisdiction.

Based on similar prior legislation considered by the General Assembly, it seems plausible that some local courts could experience an increase in expenditures, albeit one-time in nature, exceeding minimal. For purposes of this analysis, in the context of expenditures, in excess of minimal means an estimated one-time cost of more than \$5,000 for any affected county or municipal criminal justice system. Presumably, the system to collect and forward the \$5 court cost is in place, any associated ongoing annual costs would be no more than minimal.

County drug task forces

The bill: (1) provides that certain local criminal justice officers² in a county may organize a county drug task force to perform functions related to the enforcement of state drug laws and other state laws related to illegal drug activity, and (2) permits those local criminal justice officers to apply for money from the Drug Law Enforcement Fund to defray the expenses that a county drug force incurs in performing its functions.

The bill does not mandate the creation of such task forces, therefore any related local fiscal effects are considered to be at the discretion of the participating jurisdictions. As of this writing, LSC fiscal staff is unable to estimate the number of county task forces that might apply for state funding or whether the magnitude of the potential state grant will defray all or some portion of their expenses.

¹ According to Franklin County Municipal Court Clerk of Court staff, software has advanced over the years and many systems can be updated in-house with little to no expense.

² Includes the sheriff of a county, the prosecuting attorney of a county, the chief of police of the organized police department of any municipal corporation or township in the county, and the chief of police of the police force of any township police district or joint township police district.

Synopsis of Fiscal Changes

From LSC fiscal staff's perspective, the notable differences between the accepted substitute version of the bill (LSC 127 0446-3) and its previous version (As Introduced) are listed below. That said, the substitute version does not appear to significantly change the fiscal effects on the state and its political subdivisions from what might otherwise have occurred under the As Introduced version of the bill.

- **Fund administration and advisory committee.** The substitute bill relocates the duties associated with administering the Drug Law Enforcement Fund, and the related Advisory Committee from the Department of Public Safety's Division of Criminal Justice Services to the Office of the Attorney General. This simply means that the Office of the Attorney General rather than the Division of Criminal Justice Services incurs the administrative burden and related costs of managing the fund.
- **County drug task force.** The substitute bill permits certain local criminal justice to create a county drug task force to perform functions related to the enforcement of state drug and related illegal drug activity laws. Legislative Service Commission fiscal staff is unaware of any law permitting or prohibiting the creation of a county drug task force. Presumably, a county drug task force could be created under current law and practice.
- **Grant application and distribution process.** The substitute bill changes the eligible grant recipients from "local law enforcement task forces" to "a county, municipal corporation, township, township police district, or joint township police district" and then permits a county drug force to apply to that grant recipient for any funds that may have been awarded by the Office of the Attorney General. It is not clear that this change alters the fiscal impact on certain local jurisdictions from what might otherwise have been the case under the As Introduced version of the bill.

LSC fiscal staff: Jamie L. Doskocil, Senior Budget Analyst

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